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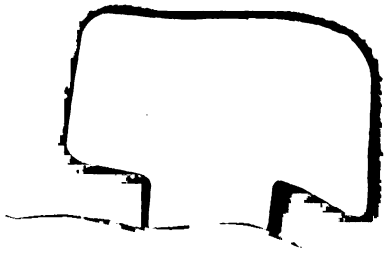

CAPTAIN RICHARD INGLE,

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1642-1653.

A Paper read before the Maryland Historical Society,

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"Captain Richard Ingle, . . . a pirate and a rebel, was discovered hovering about the settlement."—*McSherry, History of Maryland, p.* 59.

"The destruction of the records by him [Ingle] has involved this episode in impenetrable obscurity, &c."—*Johnson, Foundation of Maryland, p.* 99.

"Captain Ingle, the pirate, the man who gloried in the name of 'The Reformation.'"—*Davis, "The Day Star," p.* 210.

"That Heinous Rebellion first put in Practice by that Pirate Ingle."—*Acts of Assembly,* 1638-64, *p.* 238.

"Those late troubles raised there by that ungrateful Villaine Richard Ingle."—*Ibid, p.* 270.

"I hold it that a little rebellion, now and then, is a good thing and as necessary in the political world as storms in the physical."—*Jefferson, Works, Vol. III, p.* 105.

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CAPTAIN RICHARD INGLE,

THE MARYLAND "PIRATE AND REBEL."

IN the seventeenth and eighteenth centuries the American colonies, from Massachusetts to South Carolina, were at intervals subject to visitations of pirates, who were wont to appear suddenly upon the coasts, to pillage a settlement or attack trading vessels and as suddenly to take flight to their strongholds. Captain Kidd was long celebrated in prose and verse, and only within a few years have credulous people ceased to seek his buried treasures. The arch-villain, Blackbeard, was a terror to Virginians and Carolinians until Spotswood, of "Horseshoe" fame, took the matter in hand, and sent after him lieutenant Maynard, who, slaying the pirate in hand to hand conflict, returned with his head at the bowsprit.[1] Lapse of time has cast a romantic and semi-mythologic glamor around these depredators, and

[1] Spotswood Letters, Brock, p. 12.

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it is in many instances at this day extremely difficult to distinguish fact from fiction. The unprotected situation of many settlements along the seaboard colonies rendered them an easy prey to rapacious sea rovers, but it might have been expected that the Maryland shores of the Chesapeake bay would be free from their harassings. The province, however, it seems was not to enjoy such good fortune, for in the *printed* annals of her life appears the name of one man, who has been handed down from generation to generation as a "pirate," a "rebel" and an "ungrateful villain," and other equally complimentary epithets have been applied to him. The original historians of Maryland based their ideas about him upon some of the statements made by those whom he had injured or attacked, and who differed from him in political creed. The later history writers have been satisfied to follow such authors as Bozman, McMahon and McSherry, or to copy them directly, without consulting original records. To the general reader, therefore, who relies upon these authorities, Richard Ingle is "a pirate and rebel" still.[1]

A thorough defence of him would be almost impossible in view of the comparative scarcity of records and the complicated politics of his

[1] Rev. Edw. D. Neill, to whom I am indebted for valuable references, was the first to attempt any kind of a defence of Ingle, but Dr. Wm. Hand Browne, who also has greatly aided me, has omitted the pirate and rebel clause in the history which he is preparing for the Commonwealth Series.

time. In a review of his relations with Maryland, however, and by a presentation of all the facts, some light may be thrown upon his general character, and explanations, if not a defence, of his acts may be made.

Richard Ingle's name first appears in the records of Maryland under date of March 23rd, 1641/2, when he petitioned the Assembly against Giles Brent touching the serving of an execution by the sheriff. He had come to the province a few weeks before, bringing in his vessel Captain Thomas Cornwallis, one of the original council, the greatest man in Maryland at that time, who had been spending some months in England.[1] Between the time of his arrival and the date of his petition Ingle had no doubt been plying his business, tobacco trading, in the inlets and rivers of the province. No further record of him in Maryland this year has been preserved, but Winthrop wrote that on May 3rd, 1642, "The ship Eleanor of London one Mr. || Inglee || master arrived at Boston she was laden with tobacco from Virginia, and having been about 14 days at sea she was taken with such a tempest, that though all her sails were down and made up, yet they were blown from the yards and she was laid over on one side two and a half hours, so low

[1] Assembly Proceedings, 1638–1664, p. 120, Land Office Records, Vol. I., p. 582. In the Maryland records the name is spelled Cornwaleys, but in this paper the rule has been adopted of spelling it Cornwallis, as it is known to history.

as the water stood upon her deck and the sea overraking her continually and the day was as dark as if it had been night, and though they had cut her masts, yet she righted not till the tempest assuaged. She staid here till the 4th of the (4) and was well fitted with masts, sails, rigging and victuals at such reasonable rates as that the master was much affected with his entertainment and professed that he never found the like usage in Virginia where he had traded these ten years."[1] Although his name is given an additional *e* and there are some few seeming discrepancies, the facts taken together point to the probability of his being Richard Ingle on his return voyage to England. Next year he was again in Maryland, and, as attorney for Mr. Penniston and partners, sued widow Cockshott for debts incurred by her husband. The next entry in the "Provincial Records" under this date, March 6th, 1642/3, is an attachment against William Hardige in case of Captain Cornwallis.[2] This William Hardige, who was afterward one of Ingle's chief accusers, was very frequently involved in suits for debts to Cornwallis, and others. About the mid-

[1] Winthrop's History of New England, Vol. II., p. 75. Winthrop gave another spelling, "Jugle," no doubt obtained from the signature, as has been done with the name more than once in modern times. In a bill sent to the grand jury at St. Mary's, Maryland, February 1st, 1643/4, it was stated that Ingle's ship in 1642 was the "Reformation." The bill was, however, returned "Ignoramus," and the use of the name was probably anachronous.

[2] Proprietary Records, Liber P. R., p. 85.

dle of the month of January, 1643/4, the boatswain of the "Reformation" brought against Hardige a suit for tobacco, returnable February 1st. Three days afterward a warrant was issued to William Hardige, a tailor, for the arrest of Ingle for high treason, and Captain Cornwallis was bidden to aid Hardige, and the matter was to be kept secret.[1] Ingle was arrested and given into the custody of Edward Parker, the sheriff, by the lieutenant general of the province, Giles Brent, who also seized Ingle's goods and ship, until he should clear himself, and placed on board, under John Hampton, a guard ordered to allow no one to come on the ship without a warrant from the lieutenant general.[2] Then was published, and as the records seem to show, fixed on the vessel's mainmast the following proclamation.[3]

"These are to publish & pclaym to all psons as well seamen as others, that Richard Ingle, m^{r} of his ship, is arrested upon highe treason to his Ma^{ty}; & therefore to require all psons to be aiding & assisting to his Lo^{ps} officers in the seizing of his ship, & not to offer any resistance or contempt hereunto, nor be any otherwaise aiding or assisting

[1] Ibid, p. 124.

[2] Ibid, p. 137.

[3] Ibid, p. 124. Council Proceedings, 1636–1657. Bozman, in his History of Maryland, Vol. II., p. 271, not knowing evidently that more than one warrant was issued for Ingle's arrest, transposed this proclamation, making it follow Jan. 20; but in P. R. it is under date of Jan. 18, 1643/4.

to the said Richard Ingle upon perl of highe treason to his Ma^{ty}."

Notwithstanding this proclamation Ingle escaped in the following manner. Parker had no prison, and, consequently, had to keep personal guard over his prisoner. He supposed, "from certain words spoken by the Secretary," that Brent and the council had agreed to let Ingle go on board his vessel, and when Captain Cornwallis and Mr. Neale came from the council meeting and carried Ingle to the ship, he accompanied them.[1] Arrived on board Cornwallis said "All is peace," and persuaded the commanding officer to bid his men lay down their arms and disperse, and then Ingle and his crew regained possession of the ship. Under such circumstances the sheriff could not prevent his escape, especially when a member of the council and the most influential men in the province had assisted the deed by their acts or presence. Besides it was afterwards said that William Durford, John Durford, and Fred. Johnson, at the instigation of Ingle, beat and wounded some of the guard, though this charge does not appear to have been substantiated.[2].

On January 20th, 1643/4, the following warrant was issued to the sheriff.[3]

[1] P. R., p. 146.
[2] Ibid, pp. 125, 138.
[3] C. P., p. 111, P. R., p. 125.

"I doe hereby require (in his Ma^ties^ name) Richard Ingle, mariner to yield his body to Rob Ellyson, Sheriff of this County, before the first of ffebr next, to answer to such crimes of treason, as on his Ma^ties^ behalfe shalbe obiected ag^st^ him, upon his utmost perl, of the Law in that behalfe. And I doe further require all psons that can say or disclose any matter of treason ag^st^ the said Richard Ingle to informe his Lo^ps^ Attorny of it some time before the said Court to the end it may be then & there prosequuted

G. BRENT."

Ingle, however, was not again arrested, though he still remained in the neighborhood of St. Mary's, for on January 30th his vessel was riding at anchor in St. George's river, and mention is made of him in the records as being in the province. For nearly two months the Ingle question was agitated and for the sake of clearness an account will be given of the acts concerning him in the order of their occurrence.

The information given by Hardige to Lewger which had caused Ingle's arrest was: that in March or April, 1642, he heard Ingle, who was then at Kent Island, and at other times in St. Mary's, say, that he was "Captain of Gravesend for the Parliament against the King;" that he heard Ingle say that in February of that year he had been bidden in the King's name to come ashore at

Accomac, in Virginia, but he, in the parliament's name had refused to do so, and had threatened to cut off the head of any one who should come on his ship.[1] On January 29th, Hardige and others were summoned to appear and to give evidence of—here the pirate enters—"pyratical & treasonable offences" of Ingle. On February 1st, the sheriff impannelled a jury of which Robert Vaughan was chosen foreman, and witnesses were sworn, among them Hardige who "being excepted at as infamous," by Capt. Cornwallis, "was not found so."[2] John Lewger, the attorney-general, having stated that the Court had power to take cognizance of treason out of the province in order to determine where the offender should be tried, presented three bills for the jury to consider. The first bill included the second charge brought by Hardige, the second ordered the jury to inquire "if on the 20th of November and some daies afore & since in the 17 yea of his Ma^ties reigne at Gravesend in Comit Kent in England" the accused "not having the feare of God before his eies, but instigated thereunto by the instigation of the divill & example of other traitors of his Ma^tie traiterously & as an enemy did levie war & beare armes ag^st his ma^tie and accept & exercise the comand & captainship of the town of Gravesend,"

[1] Ibid, p. 125.
[2] Ibid, pp. 129, 130.

and by the third bill they were to inquire if Ingle did not, on April 5th in the eighteenth year of Charles' reign, on his vessel in the Potomac river, near St. Clement's island, say, "that Prince Rupert was a rogue or rascall." If the rest of the testimony was no stronger or more conclusive than that of Hardige, it is not surprising that the jury replied to all the bills "*Ignoramus.*"[1] Another jury was impannelled to investigate the charge of Ingle's having broken from the sheriff, and they returned a like finding. In the afternoon the first jury were given two more bills, first, to find "whether in April 1643 Ingle, being then at Mattapanian,[2] St. Clement's hundred, said 'that Prince Rupert was Prince Traitor & Prince rogue and if he had him aboard his ship he would whip him at the capstan.'" This bill met the fate of the others, but the second charging him with saying "that the king (meaning o^{r} Gover L. K. Charles) was no king neither would be no king, nor could be no king unless he did ioine with the Parlam^{t}," caused the jury to disagree and no verdict having been reached at 7 P. M., they adjourned until the following Saturday.[3] On that day, Feb-

[1] Ibid.

[2] This was on the south side of the Patuxent river. At one time the Jesuits used a building there for a storehouse. There was the favorite dwelling of Charles, third Lord Baltimore, which afterward belonged to Mr. Henry Sewall, and there Col. Darnall took refuge during the Coode uprising.

[3] P. R., p. 131.

ruary 3rd, at the request of the attorney-general the jury were discharged and the bill given to another jury who returned it "*Ignoramus.*"[1] In spite of the unanimity of all the juries in finding no true indictment, another warrant was issued for the arrest, by Parker or Ellyson, of Ingle for high treason, and after a fruitless attempt to secure by another jury a different finding, Ingle was impeached on February 8th, for having on January 20th, 1643/4, committed assaults upon the vessels, guns, goods, and person of one Bishop, and upon being reproached for these acts, having threatened to beat down the dwellings of people and even of Giles Brent, and for "the said crimes of pyracie, mutinie, trespasse, contempt & misdemeanors & every of them severally."[2] If Ingle did commit these depredations he was, no doubt instigated by the proceedings instituted on that day against him, and moreover by the fact that Henry Bishop had been among the witnesses to be summoned against him.

Nothing more was done in the matter, for from a copy of a certificate to Ingle under date of Febuary 8th, it is learned that "Upon certaine complaints exhibited by his Lo[ps] attorny ag[st] M[r] R. Ingle the attending & psequution whereof was like to cause great demurrage to the ship & other

[1] Ibid, p. 134.
[2] Ibid, pp. 137, 139.

damages & encumbrances in the gathering of his debts it was demanded by his Lo^{ps} said attorny on his Lo^{ps} behalfe that the said R. I. deposite in the country to his Lo^{ps} use one barrell of powder & 400l of shott to remaine as a pledge that the said R. I. shall by himself or his attorny appeare at his Lo^{ps} Co^{rt} at S. Maries on or afore the first of ffebr next to answere to all such matters as shalbe then and there obiected agst him * * * * and upon his appearance the said powder & shott or the full value of it at the then rate of the country to be delivered to him his attorny or assigne upon demand."[1]

What a change of policy, from charging a man with treason, the penalty for which was death, to offering him the right of bail for the appearance of his attorney, if necessary, to meet indefinite charges! In view of all the facts, it seems probable that the Maryland authorities were committed to the King's cause by the commission granted by him to Leonard Calvert in 1643, and by their action in seizing Ingle; that after his arrest it was thought to be injudicious to go to extremes, and that they made little resistance to, if they did not connive at, his escape. Certainly, efforts to recapture him must have been very feeble, for when the sheriff demanded the tobacco and cask due him from the defendant for summoning juries, wit-

[1] Ibid, p. 141.

nesses, &c., it was found that Ingle had left in the hands of the Secretary the required amount.[1] In arresting Ingle for uttering treasonable words, the palatine government was not only placing itself upon the side of King Charles, but was preparing to do what he had been prevented from doing a few months before. For when at his command some persons who had acted treasonably were condemned to death, parliament declared that "all such indictments and proceedings thereon were unjust and illegal; and that if any man was executed or suffered hurt, for any thing he had done by their order, the like punishment should be inflicted by death or otherwise, upon such prisoners as were, or should be, taken by their forces," and their lives were saved.[2] The authorities of Maryland themselves show why Ingle was allowed to escape. On March 16th, Lewger showed that "whereas Richard Ingle was obnoxious to divers suits & complaints of his Lo^p^ for divers and sundry crimes all w^ch^ upon composition for the publique good & safety were suspended ag^st^ the said Richard Ingle assuming to leave in the country to the publique need at this time," powder and shot, but he had not paid the composition and had left without paying custom dues, which were required for the proper discharge of his ship "by the law & custom

[1] Ibid, p. 148.
[2] Bozman: History of Maryland, Vol. II., p. 272.

of all Ports," he prayed that all of Ingle's goods, debts, &c., might be sequestered until he should clear himself.[1] Under the circumstances, the grave charges pending against him, as there is no proof that he had known the terms of composition, a crew and vessel being at his command, it is not surprising that he sailed away from danger, without attending to the formality of clearing, and leaving unpaid debts, for Lewger claimed 600 pounds of tobacco from him, as payment for some plate and a scimitar, for which Cornwallis went security.[2] There is a touch of seeming sarcasm in the suggestion that the deposit by Ingle of ammunition would have relieved the public need, for he would have been that much less dangerous, and the government would have been so much the more prepared to resist him.

But how were those who assisted him treated? On January 30th, Thomas Cornwallis, James Neale, Edward Parker and John Hampton, were impeached for having rescued him, and thereby of being accessories to high treason. Cornwallis made answer, "that he did well understand the matters charged agst the said Richard Ingle to be of no importance but suggested of mean malice of the —— William hardige, as hath appeared since in that the grand enquest found not so much proba-

[1] P. R., p. 149.
[2] Ibid, p. 150.

bility in the accusations, as that it was fitt to putt him to his triall" and "he supposed & understood no other but that the said rich. Ingle went aboard wth the licence and consent of the L. G. & Counsell & of the officer in whose custody he was & as to the escape & rescuous in manner as is charged he is no way accessory to it & therefore prayeth to be dismissed."[1] The judgment was delayed, but Cornwallis was anxious to be at once discharged. The lieutenant general and the attorney general, therefore, having consulted together, found Cornwallis guilty, and fined him one thousand pounds of tobacco, though at the request of the accused the fine was respited until the last day of the month, when Brent ordered the sheriff "to levie 1000 lbs tob. on any goods or debts" of Capt. Tho. Cornwallis "for so much adjudged by way of fine unto the Lord Propriet^{r} agst him at the Court held on the 9th ffeb last."[2] This fine, which was to be given to the attorney of Tho. Wyatt, commander of Kent Island, in payment of Lord Baltimore's debt to him, Cornwallis afterward acknowledged he had paid.[3]

Neale did not make his appearance before the court, though he seems to have been in St. Mary's, and was suspended from the council for his con-

[1] Ibid, p. 131.
[2] Ibid, pp. 139, 145.
[3] Sixth Report of the Historical Commission to Parliament, p. 101.

tempt. On February 11th, being accused of having begged Ingle from the sheriff, he denied all the charges, and in a few days was restored to his seat in the council, upon the eve of Brent's departure for Kent Island.[1] Parker said Ingle had escaped against his will, and he was discharged, while Hampton escaped prosecution, presumably, for there is no further record of action in the case against him.[2]

But it would have been bad policy for the authorities to allow the matter to drop without apparent effort on their part to punish somebody, and Cornwallis had to bear the brunt of their attacks. The feeling against him was so strong, according to his own statements, that besides paying a fine, the highest "that could by law be laid upon him," he was compelled for personal safety to take ship with Ingle for England, where the doughty captain testified before a parliamentary committee of Cornwallis' devotion to its cause, and of the losses he had sustained in its behalf.[3]

The lieutenant governor, and council, may have congratulated themselves about the departure of Ingle and Cornwallis, but that mariner and trader was preparing to return to Maryland. On August 26th, 1644, certain persons trading to Virginia

[1] P. R., pp. 140, 141, 146.
[2] Ibid, p. 146.
[3] Sixth Rep. Hist. Com., p. 101.

petitioned the House of Commons to allow them to transport ammunition, clothes, and victuals, custom free, to the plantations of the Chesapeake, which were at that time loosely classed under the one name—Virginia. The Commons granted to the eight[1] vessels mentioned in the petition, the right of carrying victuals, clothes, arms, ammunition, and other commodities, "for the supply and Defence and Relief of the Planters," and referred the latter part of the petition, asking power to interrupt the Hollanders and other strange traders, to the House of Lords.[2] It is hardly necessary to say at this point that the planters to be relieved and defended by the cargoes of the vessels, were planters not at enmity with the parliament. For vessels from London were used in the interests of parliament, while those from Bristol were the King's ships. De Vries, the celebrated Dutchman, who has left such acute observations about the early colonists, wrote that while visiting Virginia in 1644 he saw two London ships chase a fly-boat to capture it, and it was reported in Massachusetts that a captured Indian had given as a reason for the Indian masacre, on April 18th, 1644, "that they did it because they saw the English took up all their lands, * * * and they took this season for

[1] The absence of punctuation between the "Elizabeth and Ellen" leads one to conjecture that there were but seven vessels.

[2] Journal of the House of Commons, 1642–44, p. 607. This may be found in the Congressional Library, Washington, D. C.

that they understood that they were at war in England, and began to go to war among themselves, for they had seen a fight in the river between a London ship, which was for the parliament, and a Bristol ship, which was for the King."[1]

Among the ships commissioned by the parliament, which were armed, was the "Reformation," of which Ingle was still master. He was in London in October, 1644, receiving cargo, and Cornwallis entrusted to him goods, valued at 200 pounds sterling.[2] The vessel soon afterwards sailed, and was in Maryland in February. In the province, at that time, affairs were in a very unsettled condition. The energetic Claiborne, who was also called by Maryland authorities a pirate and a rebel, but who was a much better man than is generally supposed, and whose life ought to be especially studied, was still pushing his claims to Kent Island, and Leonard Calvert had been compelled to visit Virginia more than once during the winter in trying to prevent his actions. The Indians were aroused and prone to take advantage of disputes between the factions in the province, while the colonists themselves were in a state of unrest. At this juncture Ingle appeared.

[1] Collections N. Y. Historical Society, Series II., Vol. III., p. 126. Winthrop: History of New England, Vol. II., p. 198.

[2] L. O. R., Vol. I., p. 224; Sixth Rep. Hist. Com., p. 101.

Streeter wrote of his coming, "several vessels appeared in the harbor, from which an armed force disembarked, (Feb. 14, 1645,) under the command of Capt. Richard Ingle, St. Mary's was taken; many of the members were prisoners; the Governor was a fugitive in Virginia; and the Province in the hands of a force, professing to act, and probably acting, under authority of Parliament."[1] There is no authority given for the first part of this statement, though it is not improbable, and is partly substantiated by the exaggerated charges against Ingle, made by the Assembly of 1649, and the references to him in proclamations. There is no mention in the provincial records of Calvert's having being forced out of the province, but, on the contrary, Calvert in his commission to Hill in 1646 stated that "at this present, I have occasion, for his lordship's service to be absent out the said province," and says nothing at all about Ingle. The rebellion has been called "Claiborne's and Ingle's," and, although association with Claiborne would not have been dishonorable to any one, historical accuracy seems to call for a distinction. In Greene's proclamation of pardon given in March, 1647/8; in the letter written by the Assembly to Lord Baltimore in April, 1649; in the Pro-

[1] Papers Relating to the Early History of Maryland, by S. F. Streeter, p. 267.

prietor's commissions for the great seal, for muster master general, for commander of Kent Island, respectively, in 1648; and in his letter to Stone in 1649, the rebellion is attributed to the instigation of Ingle.[1] In the commission to Governor Stone, of August, 1648, is the statement, "so as such pardon or pardons extend not to the pardoning of William Clayborne heretofore of the isle of Kent in our said province of Maryland and now or late of Virginia or of his complices in their late rebellion against our rights and dominion in and over the said province nor of Richard Ingle nor John Durford mariner," and in the act of Oblivion, in April, 1650, pardon is granted to all excepting "Richard Ingle and John Darford Marryners, and such others of the Isle of Kent" as were not pardoned by Leonard Calvert.[2] In these two instances alone is any kind of an opportunity offered for connecting the two names, even here they are separated, and the distinction is made greater by the fact that in a commission concerning Hill, also of August, 1648, and in other places, Claiborne is mentioned with no reference at all to Ingle.[3] It is probable, in the absence of evidence to the contrary, that Ingle and Claiborne never planned any concerted action, but that each

[1] C. P., pp. 166, 201, 204; A. P., 238, 270.
[2] C. P., p. 175; A. P., p. 301.
[3] C. P., p. 209.

took advantage of the other's deeds, to further his own interests.

To return to the year 1645. The rebellion supposed to have been originated by Ingle, was according to statements of the Assembly of 1649, continued by his accomplices, and during it "most of your Lordships Royal friends here were spoiled of their whole Estate and sent away as banished persons out of the Province those few that remained were plundered and deprived in a manner of all Livelyhood and subsistance only Breathing under that intollerable Yoke which they were forced to bear under those Rebells."[1] The people were tendered an oath against Lord Baltimore, which all the Roman Catholics refused to take, except William Thompson, about whom there is some doubt.[2] Ingle, himself, said that he had been able to take some places from the papists and malignants, and with goods taken from them had relieved the well-affected to parliament. Further on in this paper it will be seen that Roman Catholics' property was attacked under Ingle's auspices, but that the bad treatment of them did not continue long and was not very severe, may be inferred from the fact that in 1646, there were enough members of the council, who were Roman Catholics, in the province to

[1] A. P., p. 238.

[2] Ibid., pp. 238, 270, 271. At the request of the Assembly, Baltimore forgave Thompson for acts which he might have committed by reason of ignorance or through a mistake.

elect Hill governor. In this connection ought to be mentioned the report, by an uncertain author, concerning the Maryland mission, written in 1670. The report is devoted principally to an account of a miracle which, strange to say, had not been recorded, as far as is known, although twenty-four years had elapsed since it had occurred. "It has been established by custom and usage of the Catholics," the uncertain author wrote, "who live in Maryland, during the whole night of the 31st of July following the festival of St. Ignatius, to honor with a salute of cannon their tutelar guardian and patron saint. Therefore, in the year 1646, mindful of the solemn custom, the anniversary of the holy father being ended, they wished the night also consecrated to the honor of the same, by the continual discharge of artillery. At the time, there were in the neighborhood certain soldiers, unjust plunderers, Englishmen indeed by birth, of the heterodox faith, who, coming the year before with a fleet, had invaded with arms, almost the entire colony, had plundered, burnt, and finally, having abducted the priests and driven the Governor himself into exile, had reduced it to a miserable servitude. These had protection in a certain fortified citadel, built for their own defence, situated about five miles from the others; but now, aroused by the nocturnal report of the cannon, the day after, that is on the first of August, rush upon

us with arms, break into the houses of the Catholics, and plunder whatever there is of arms or powder."[1] Now this statement bears upon the face of it a contradiction, for the restriction upon the Roman Catholics could not have been very great, since they were allowed to retain, up to August, 1646, the powder and cannon necessary to fire continual salutes, moreover, when next day the soldiers came to their dwellings, nothing seems to have been taken except the ammunition, and this was done no doubt to prevent any further alarm, that a body of troops situated as they were might reasonably have felt at hearing artillery discharges five miles away.

Many writers have stated that good Fathers White and Fisher were carried off to England by Ingle, but from the records of the Jesuits at Stonyhurst, it is learned that Father White was seized "by a band of soldiers," "and carried to England in chains," and also that in "1645 This year the colony was attacked by a party of 'rowdies' or marauders and the missioners were carried off to Virginia."[2] These extracts serve to show what was the confusion existing in the minds of contemporaries of Ingle, and the extreme difficulty, therefore, of finding the real truth. But in the sworn state-

[1] Relatio Itineris in Marylandiam, p. 95.

[2] Records of the Eng. Prov. Society of Jesus, Series V., VI., VII., VIII., pp. 337, 389.

ments preserved in the Maryland records, some facts may be found. Within a few days of the events at St. Mary's resulting in partial subversion of Baltimore's government, the "Reformation" was riding at the mouth of St. Inigoe's creek, near which was situated the "Cross," the manor house of Cornwallis, who, when he had been obliged in 1644 to leave Maryland, had left his house and property in the hands of Cuthbert Fenwick, his attorney.[1] Fenwick was intending to go to Accomac, Virginia, and sent Thomas Harrison, a servant, who had been bought from Ingle by Cornwallis, and a fellow servant, Edw. Matthews, to help Andrew Monroe to bring a small pinnace nearer the house.[2] In the pinnace were clothes, bedding, and other goods, the property of Fenwick. Monroe refused to bring the pinnace, and waited until Ingle came into the creek;[3] and allowed the pinnace to be captured, (if that may be called a capture to which consent was given,) and plundered. Fenwick said that the pinnace was plundered by "Richard Ingle or his associates;"[4] another witness said that Ingle "seized or plundered" the pinnace, and Monroe was employed by him in his acts against the province, and while in command of another pinnace assisted in the pillaging of Copley's house at Portoback.[5] Matthews

[1] L. O. R., Vol. I., p. 432.
[2] Ibid., p. 572.
[3] Ibid., Vol. II., p. 354.
[4] Ibid., Vol. I., p. 584.
[5] Now Port Tobacco, Charles Co. Ibid., Vol. II., p. 354.

as well as other servants were held captives on the "Reformation," and Harrison took up arms for Ingle and afterwards left the province and fled to Accomac. Fenwick went on board, no doubt to protest against such acts, and when he returned to the shore was seized by a party of men under John Sturman, who seems to have been a leader in the rebellion, and carried back to the vessel where he was kept prisoner.[1] In the meantime Thomas Sturman, John Sturman, coopers, and William Hardwick, a tailor, led a party to sack the dwelling of Cornwallis, who, in a petition to the Governor and Council in 1652, described it as "a Competent Dwelling house, furnished with plate, Linnen hangings, beding brass pewter and all manner of Household Stuff worth at least a thousand pounds." In the same petition he said that the party "plundered and Carryed away all things in It, pulled downe and burnt the pales about it, killed and destroyed all the Swine and Goates and killed or mismarked allmost all the Cattle, tooke or dispersed all the Servants, Carryed away a Great quantity of Sawn Boards from the pitts, and ript up Some floors of the house. And having by these Violent and unlawfull Courses forst away my Said Attorny the Said Thomas and John Sturman possest themselves

[1] Ibid., Vol. I., p. 433. Most of the testimony against Ingle in Maryland was by those whom he had held prisoners.

of the Complts house as theire owne, dwelt in it Soe long as they please and at their departing tooke the locks from the doors and y^e^ Glass from the windowes and in fine ruined his whole Estate to the damage of the Complt at least two or three thousand pounds."[1] It may be well to bear in mind that Cornwallis in this petition, which was against the two Sturmans and Hardwick, who did not deny the allegations, but claimed the statute of limitation, no mention is made of Ingle, save that on his ship Fenwick was detained.[2]

In the latter part of the year 1645 began the era of petitions, which should be taken with allowance, for the age has been characterized as one of perjury, and in the representations by both parties in Maryland politics, advantage was taken of every slight point to strengthen their respective positions, and from internal evidence it seems that some statements were garbled, to say the least about them. The opening of this era was marked by the presentation, December 25th, 1645, by the committee of plantations, to the House of Lords, the following statements and suggestions, viz: that many had complained of the tyranny of recusants in Maryland, "who have seduced and forced many of his Majesty's subjects from their religion;" that by a certificate from the Judge of the Admiralty

[1] Ibid., Vol. I., pp. 432, 433.
[2] Ibid.

grounded upon the deposition of witnesses taken in that Court: Leonard Calvert, late Governor there, had a commission from Oxford to seize such persons, ships and goods as belonged to any of London; which he registered, proclaimed, and endeavored to put in execution at Virginia; and that one Brent, his deputy Governor, had seized upon a ship, empowered under a commission derived from the Parliament, because she was of London, and afterward not only tampered with the crew thereof to carry her to Bristol, then in hostility against the Parliament, but also tendered them an oath against the Parliament;" the committee under these circumstances recommended that the province should be settled in the hands of protestants.[1] This was the first part of the determined effort to deprive the great Cecil Calvert of his charter of Maryland, which Richard Ingle continued so vigorously in after years. He was probably in England at that time, for he refers to the action of the Lords in regard to the settling of the Maryland government, in his petition of February 24th, 1645/6, to the House of Lords. To this petition was appended a statement on behalf of Cornwallis, which will explain it. Cornwallis said that on Ingle's return to England, to cover up his defalcation in the matter of 200 pounds worth of goods, he had complained to the committee for examinations

[1] Terra Mariae, Neill, pp. 110, 111.

against Cornwallis as an enemy to the State. The matter was given a full hearing, and when it was left to the law and the defendant was granted the right of having witnesses in Maryland examined, Ingle had him arrested upon two feigned actions to the value of 15,000 pounds sterling. Some friends succeeded in rescuing him from prison, and then Ingle sent the following petition to the House of Lords, which had the effect of stopping for the time proceedings against him.[1] Having done so he carried the prosecution no further. The petition is somewhat lengthy, but it should be read as it is eminently characteristic of the man.[2]

"The humble petition of Richard Ingle, showing That whereas the petitioner, having taken the covenant, and going out with letters of marque, as Captain of the ship Reformation, of London, and sailing to Maryland, where, finding the Governor of that Province to have received a commission from Oxford to seize upon all ships belonging to London, and to execute a tyrannical power against the Protestants, and such as adhered to the Parliament, and to press wicked oaths upon them, and to endeavor their extirpation, the petitioner, conceiving himself, not only by his warrant, but in his fidelity to the Parliament, to be conscientiously

[1] Sixth Rep. Hist. Com., p. 101.

[2] Rev. E. D. Neill has given the full draft of this petition. See Founders of Maryland, pp. 75–77.

obliged to come to their assistance, did venture his life and fortune in landing his men and assisting the said well affected Protestants against the said tyrannical government and the Papists and malignants. It pleased God to enable him to take divers places from them, and to make him a support to the said well affected. But since his return to England, the said Papists and malignants, conspiring together, have brought fictitious acts against him, at the common law, in the name of Thomas Cornwallis and others for pretended trespass, in taking away their goods, in the parish of St. Christopher's, London, which are the very goods that were by force of war justly and lawfully taken from these wicked Papists and malignants in Maryland, and with which he relieved the poor distressed Protestants there, who otherwise must have starved, and been rooted out.

"Now, forasmuch as your Lordships in Parliament of State, by the order annexed, were pleased to direct an ordinance to be framed for the settlement of the said province of Maryland, under the Committee of Plantations, and for the indemnity of the actors in it, and for that such false and feigned actions for matters of war acted in foreign parts, are not tryable at common law, but, if at all, before the Court and Marshall; and for that it would be a dangerous example to permit Papists and malignants to bring actions of trespass or

otherwise against the well affected for fighting for the Parliament.

"The petitioner most humbly beseecheth your Lordships to be pleased to direct that this business may be heard before your Lordships at the bar, or to refer it to a committee to report the true state of the case and to order that the said suits against the petitioner at the common law may be staid, and no further proceeded in."

It is not known how this matter was settled, but in 1647, September 8th, Ingle transferred to Cornwallis "for divers good and valuable causes" the debts, bills, &c., belonging to him, and made him his attorney to collect the same. Among the items in the inventory appended to the power of attorney were "A Bill and note of John Sturman's, the one dated the 10th of April 1645 for Satisfaction of tenn pounds of powder the other dated the 4th of April 1645 for 9001 of Tob & Caske," and "an acknowledgem[t] of Cap[t] William Stone dated the 10th of April 1645 for a receipt of a Bill of Argall Yardley's Esq, for 98601 of Tobacco and Caske,"[1] which show that the mercantile interests of Ingle were not subservient to his supposed warlike measures. A consideration of the statements by Corwallis and of those by Ingle, proves that the latter must have had considerable influence in the Parliament, and that he was prepared to stand

[1] L. O. R., Vol. I., p. 378.

by and defend all his actions, and the similarity to his petition of ideas and even of words in certain places, would safely allow the conjecture that Ingle had something to do in the report of 1645 already mentioned. It is curious also to compare his reference to the ill-treatment of the Protestants, and the mention of the hardships of Baltimore's adherents, made by the Assembly of 1649. There is no record of the presence of Ingle in Maryland after the spring of 1645, though the rebellion which he was accused of instigating continued some months longer.[1] For continuity, a rapid sketch of the history of Maryland during the next two years must be given.

For fourteen months the province was without a settled government. In March, 1645/6, the Virginian Assembly in view of the secret flight into Maryland of Lieutenant Stillwell, and others, enacted that "Capt. Tho. Willoughby, Esq., and Capt. Edward Hill be hereby authorized to go to Maryland or Kent to demand the return of such persons who are alreadie departed from the colony. And to follow such further instructions as shall be

[1] Father White and Father Fisher were carried to England and imprisoned. The former was, after some months, released upon the condition of his leaving England. He went to Belgium, and afterwards returned to England, but never again to Maryland. "Thirsting for the salvation of his beloved Marylanders he sought every opportunity of returning secretly to that mission, earnestly begging the favor of his Superiors; but, as the good Father was then upwards of sixty-five years of age and his constitution broken down, they would not consent." R. P. S. J., p. 337. Fisher was released and returned to Maryland.

given them by the Governor and Council."[1] After Hill had arrived in Maryland he was elected governor by the members of the council, who, notwithstanding Ingle's rebellion, were in the province. The right of the council to elect Hill was afterwards disputed, but one word must be said in regard to this. The reason for disputing the right was that the councilors could elect only a member of the council to be governor. In the commission to Leonard Calvert in 1637, no such restriction was made,[2] in the commission of 1642 the restriction occurs, and in the commission of 1644, which has been preserved in two copies, the same provision was made.[3] As Lord Baltimore himself had confused ideas about this commission, it is not surprising that the council thought they were doing right in electing Hill. Even if the council had no right to act thus, Hill had stronger claims to the governorship. In Lord Baltimore's commission to Leonard Calvert, of September 18th, 1644, is the provision:[4] "and lastly whereas our said Lieutenant may happen to dye or be absent from time to time out of the said province of Maryland, before we can have notice to depute another in his place we do therefore hereby grant unto him full power and Authority from time to time in

[1] Hening: Statutes, Vol. I., p. 321.
[2] C. P., pp. 17, 77.
[3] Ibid., p. 136; L. O. R., Vol. I., p. 203.
[4] C. P., p. 135.

such Cases to Nominate elect and appoint such an able person inhabiting and residing within our said province of Maryl[d], as he in his discretion shall make choice of & think fit to be our Lieutenant Governor, &c." Such is the command as recorded in the Council Proceedings of Maryland. But Baltimore, in 1648, in a commission to the Governor and council in Maryland, wrote that Leonard Calvert had no right to appoint any person in his stead "unless such persons were of our privy council there,"[1] although he recognized the validity of Leonard's death-bed appointment by witnesses of Governor Greene. He, to be sure, was a member of the council, but this fact was not mentioned in the preamble of the commission, in which the words, with some slight changes in tense and mood, are almost identical with those in the preamble of the commission of July 30th, 1646, from Calvert to Hill, which, notwithstanding doubts to the contrary, must have been genuine. For Lord Baltimore, in the commission of 1648 seems to have acknowledged that his brother had granted the commission to Hill,[1] who, in a letter to Calvert, said that he had promised him one-half the customs and rents, the remuneration stipulated in his commission. Hill, not knowing that Calvert was dead, wrote him a

[1] Ibid., p. 209.
[2] Ibid., p. 154–161.

letter, dated June 18th, 1647, urging the payment of his dues, and the next day Greene, the new Governor, replied that he did not understand the matter, but that if Hill would send an attorney "full satisfaction should be given him." When Hill wrote next he waived the authority of Calvert, and based his claim upon the right of the council to elect him, and in this way placed himself upon an illegal footing, which circumstance was taken advantage of for a time by the Maryland authorities. But finally at a court held June 10th, 1648,[1] one year after Calvert's death, a claim from Hill was presented "for Arrears of what consideration was Covenanted unto him by Leonard Calvert, Esq., for his Service in the office of Governor of this Province, being the half of his Ldps rents for the year 1646 & the half of the Customes for the Same yeare." It was ordered by the court, "that ye half of that yeares Customes as far as it hath not already been received by Capt. Hill shall be paid unto him by the Ld Prop^{rs} Attorny out of the first profitts which shall be receivable to his Ldp * * * his Ldps Receiver shall accompt & pay unto Cap^{t} Edward Hill or his assignes the one halfe of his Ldps rents due at Christmas next in Lieu of the S^{d} rents of the yeare 1646 which were otherwise disposed of to his Ldps use." There is, however, one fact which must not be

[1] L. O. R., Vol. II., p. 328.

lost sight of in regard to Leonard Calvert's commission to Hill. If it was executed by a member of the council, and therefore was a forgery, for in the records Calvert's name is signed to it, and the place of the seal is noted, it is not at all likely that it would have been allowed by Calvert on his return, and by his immediate successors, to be preserved and copied into the records. If all other proof failed this last would establish the validity of Hill's commission.

But Calvert, who, throughout his whole career as governor of Maryland, showed unchanging devotion to his brother's interests, gathered in Virginia a body of soldiers and returned at the end of 1646 to St. Mary's, where he easily repossessed himself of that part of the country, though Kent Island remained still in possession of Claiborne's forces. Thus was ended what has been called Ingle's rebellion, in which the loss of the lord proprietor's personal estate "was in truth so small as that it was not Considerable when it was come in Ballance with the Safety of the Province which as the then present Condition of things stood, hung upon so ticklish a pin as that unless such a disposition had been made thereof an absolute ruin and subversion of the whole Province would inevitably have followed."[1] Another proof of Hill's regular appointment is that Calvert on

[1] A. P., p. 242.

the 20th of December, soon after his return, re-assembled the Assembly, which Hill had summoned and adjourned, and proceeded with it to enact laws.[1] Although a later Assembly in 1648 protested against the laws passed by this Assembly, the proprietor recognized them as valid, and wrote in 1649 that it had been "lawfully continued" by his brother "ffor although the first Sumons were issued by one who was not our Lawfull Lieutenant there, yet being afterwards approved of by one that was, it is all one, as to the proceedings afterward as if at first they had issued from a lawfull Governor."[2] The writer is no lawyer, but it seems, that, if the Assembly of Hill was "lawfully continued" and "approved" by Calvert, the recognition by Baltimore must have been legally retroactive, and, therefore, that the laws passed before Calvert's return must have been legally valid, saving of course the proprietor's dissent. Leonard Calvert having spent some months in settling the affairs of the province died, June 9th, 1647, and Greene ruled in his stead. In the following March, Ingle's name again appears in the records. The governor, on March 4th, 1648, proclaimed pardon to all except Richard Ingle, and in August of the same year the lord proprietor issued, besides his commissions

[1] Ibid., pp. 209–210.
[2] Ibid., 266.

to Governor Stone, to the council and to secretary Thomas Hatton, commissions, for the Great Seal, for muster master general, and for commander of the Isle of Kent. John Price was made muster master general for his "great Fidelity unto us in that Occasion of the late insurrection and Rebellion in our said province was begun there by that Notorious Villain Richard Ingle and his Complices," and Robert Vaughan was appointed commander of Kent for the same reason.[1] Then in 1650 was passed the act of Oblivion, excepting Ingle, Durford, and some of the Isle of Kent. In 1649, Baltimore granted to James Lindsey and Richard Willan certain lands, and directed that in the grants should be inserted the notice "of their singular and approved worth courage and fidelity (in Ingle's insurrection) to the end a memory of their merit and of his (the Proprietor) sense thereof may remain upon record to the honour of them and their posterity forever."[2]

An investigation into Ingle's doings at this time may explain the bitter terms in which he is mentioned in the official records of Maryland, and also why upon him was foisted the chief responsibility for the disturbances. During the year 1646, Lord Baltimore was engaged in defending his charter, against the justice of which

[1] C. P., pp. 204–205.

[2] Kilty. Landholder's Assistant, pp. 79–80; L. O. R., Vol. II., p. 410.

such grave charges had been brought by Ingle and others, in the winter of 1645/6. On January 23rd, 1646/7, application in Baltimore's behalf, was made to the House of Lords, that the depositions of witnesses made before the Admiralty Court in regard to Maryland should be read. In a few weeks Baltimore begged that the actions looking to the repeal of his charter might be delayed, and on the same day certain merchants in London, who were interested in the Virginia trade, requested that the ordinance should be sent to the Commons, for Baltimore's petition was intended only to cause delay.[1] The matter was stayed for the time, but by December, 1649, Ingle had sent to the Council of State a petition and remonstrance against the government of Lord Baltimore's colony. The hearing, which was referred to the Committee of the Admiralty, was postponed until January 10th, 1650, when Baltimore's agent requested it to be deferred until the 16th. Witnesses were summoned and upon Baltimore's appearance, he was ordered to make answer in writing to Ingle by the 30th. On January 29th the matter was again postponed until February 6th, "in respect of extraordinary occasions not permitting them to hear the same tomorrow." Delay followed delay until March 1st, when Ingle was "unprovided to prove" the

[1] Seventh Report His. Com., pp. 54, 162.

charges against Lord Baltimore for misconduct in the government of Maryland, but on the 15th of the same month, "after several debates of the business depending between Capt. Ingle and Lord Baltimore, touching a commission granted to Leonard Calvert, * * * by the late King at Oxford in 1643" the advocate for the State and the attorney general were directed to examine the validity of the original charter to Cecil, Lord Baltimore. Allusion to this matter was again made in the records, but nothing showing its result unless it be the order of the Council of State, of December 23d, 1651, that Lord Baltimore should be allowed to "pursue his cause according to law."[1]

Ingle seems to have been at this time in the service of what was once a parliament, but which had been reduced in 1648, by Pride's purge, to about sixty members. In February, 1650, he informed the Council of State that on board two ships, the "'Flower de Luce' and the 'Thomas and John,' were persons bound to Virginia, who were enemies of the Commonwealth." The vessels were stayed for over a month, when they were allowed to sail down to Gravesend, where, before they left for Virginia, the mayor and justices were to "take the superscription of passengers and mariners not to

[1] Sainsbury: Calendar State Papers, Colonial, 1574–1660, pp. 331–337, 368.

engage against the Commonwealth."[1] In April of this year the Council of State ordered the payment to Ingle of £30 sterling for services and care in keeping Captain Gardner, who had been arrested for treason, in having tried to betray Portland Castle.[2] He again comes into notice in 1653, by some letters written by him to Edward Marston. He had been cast away by shipwreck in the Downs, and was then at Dover, where he had been very ill. Having heard that two prizes which he had helped to secure, had been condemned and that the rest of the men had obtained their shares, he wrote to secure the eleven shares due him, and told Marston to send one part to his wife, and the other to him. On November 14th, he again wrote that he had received no answer although "I have written you every post these 3 weeks, having been sick my want of money is great."[3] This is the last fact, which can at present be found, about Richard Ingle, who first came into notice demanding tobacco debts, and is discovered, at last demanding prize money. These two acts were typical of the man, he was always on the lookout for gain and yet remained a staunch adherent to the Long Parliament, which did so much to strengthen English liberties, but whose

[1] Ibid.
[2] Ibid., Domestic, 1650, pp. 64, 79, 572.
[3] Ibid., 1653–1654, pp. 235, 251, 278.

acts led to such extreme measures as those which culminated in the execution of the self-willed unfortunate Charles I.

By a careful consideration of all the facts, it will be seen that the acts of Richard Ingle are in some cases legendary, and as such naturally have become more heinous with every successive account. The endeavor has been in this paper to give an unprejudiced historical account of his life, but in view of the mis-statements about him, it still remains to sum up, and examine the specific charges against him. He is accused of having stolen the silver seal of the province. Lord Baltimore's own statements, however, concerning it are doubtful. "Whereas our great seal of the said province of Maryland was treacherously and violently taken away from thence by Richard Ingle or his complices in or about February,[1] 1644/5," he wrote in August, 1648. Nothing had been said according to the records up to that time in Maryland about the loss of the seal. On the contrary, in a commission given by Governor Greene on July 4th, 1647, over a year before the proprietor's commission for the great seal, are the words, "Given under my hand and the Seal of the province,"[2] and in the proclamation of March 4th, 1648, Greene promised pardon

[1] C. P., 201.
[2] Ibid., 162.

"under my hand and the seal of the province,"[1] to all out of the province except Ingle, who should confess their faults before a certain date.

It may be urged against these facts that "under my hand and the seal of the province," was mere legal phraseology. But those which have been given are the only two instances of the use of the term from 1646 to 1648, and are both preceded and followed by commissions, &c., ending "and this shall be your commission," or "given at St. Mary's," in which, if the term was merely technical language, why was it not more frequently used? Again, it may be said that it was a temporary seal. If it were, it is strange that no mention is made of the fact in the records of the province, or in Lord Baltimore's commission for the new seal. It was hoped and desired that in this paper no occasion would arise to make accusations against any of Ingle's opponents, but historic truth now requires it to be done. It must be remembered that Baltimore was in constant danger of losing his charter, in a great measure, on account of Ingle's activity against him. Upon his authority alone is based the charge against Ingle about the seal, but of how much value is the authority of one who, at the very same time and in a commission sent out with that of the seal, wrote that Leonard Calvert "was limited by

[1] Ibid., 166.

our commission to him not to appoint" any person governor "unless such person were of our privy council there,"[1] although no such limitation as to the governor's right was made in any of the commissions to Leonard Calvert so this clause in the lord proprietor's commission resolves itself into a Machiavellian statement. It is hardly credible that Lord Baltimore could have made such a statement from ignorance, for no one knew the commission better than the author of it. But notwithstanding the evidence against Lord Baltimore, the writer has too high an opinion of his character to attribute to him the diplomatic lie. Lord Baltimore was no doubt influenced a great deal, by what was reported to him concerning Maryland, so the blame must rest upon his informers. Still if these persons would resort to such methods in one case, they would be likely to do so in other instances. Whoever was the author of the statement, it throws doubt upon other supposed facts of this period, and leads to the conclusion that the commission for a new seal was one of the reconstructive acts of the proprietor, on a par with the treatment of Hill.

Ingle has been charged with the destruction of the records of the province. What was Baltimore's opinion? "We understand" he wrote in 1651, "that in the late Rebellion there One thousand

[1] Ibid., p. 209.

Six hundred Forty and four most of the Records of that province being then lost or embezzled."[1] This hearsay statement of Lord Baltimore may have been based upon the testimony in 1649, of Thomas Hatton, Secretary of the province, of the receipt of books from Mr. Bretton, who "delivered to me this Book, and another lesser Book with a Parchment Cover, divers of the Leaves thereof being cut or torn out, and many of them being lost and much worn out and defaced together with divers other Papers and Writings bound together in a Bundle,"[2] and swore that they were all the documents belonging to the secretary or register which could be found, "except some Warrants, and some Draughts of Mr. *Hill's* Time." All the records, therefore, were not destroyed, but in 1649, there were in existence papers belonging to the Hill regime. But greater proofs against the vandalism of Ingle are the records themselves, or the copies of them, which could not have been made if the originals had been destroyed, and which have at last been deposited where thieves do not break through nor steal. There have been preserved among the records up to 1647, the original proprietory record books, liber Z., 1637–1644 and liber P. R., 1642 to February 12, 1645. The Council Proceedings, 1636–1657, the Assembly

[1] A. P., p. 329.
[2] C. P., 219.

Proceedings, 1638–1658, and liber F., 1636–1642, proprietory records, have been handed down in copies. The loss of liber F., 1636–1642, can no more be attributed to Ingle than can the loss of liber K., 1692–1694, which was made fifty years after Ingle's time. Both of these, as well as records of later years, have been preserved in copies only, but a brief study of the Calendar of State Archives, prefixed to the Acts of Assembly, will demonstrate that the destruction of records by Ingle could not have been so great as has been supposed. But did he destroy any? There are gaps in the records, that exist between February 14, 1645, when the rebellion occurred, and December, 1646, when Calvert returned, but it is not likely that under the existing circumstances very great care was taken of the records of these twenty-two months, and moreover there is no proof that Ingle was in the province after 1645, for he was probably in London in December of that year, and certainly in the following February. His appointing Cornwallis his attorney for collecting Maryland and Virginia debts would also lead one to believe that he did not return to the province. Some of the records of the Hill government, however, were in existence in 1649, but as far as is known have since disappeared. Ingle certainly did not destroy them, and indeed to a man engaged in the tobacco trade, there were few

inducements to waste his time, and that of his men cutting up records.

It is difficult to understand why Lord Baltimore should have called Ingle an "ungrateful villain," for the reception the latter met at St. Mary's in 1644, was not calculated to inspire one with gratitude. The compensation offered Ingle might have been deemed liberal, but the Maryland authorities acknowledged that they had to make this offer for the public good and safety, and, therefore, no particular credit can be given them for kindness towards the troublesome mariner. But the relations between Ingle and Cornwallis are rather perplexing. The latter accused Ingle of not returning the value of goods entrusted to him, and also of landing, during his absence, "some men near his house," and rifling "him to the value of 2,500l at least."[1] All this was done after Cornwallis had showed his devotion to Parliament, by releasing Ingle. It must be remembered in connection with the devotion to Parliament, that Ingle was doing the great carrying trade for Cornwallis. Besides, after Ingle had made him his attorney, he went to Maryland and there sued three men for the pillage and destruction of his property, without implicating Ingle. In the absence of full records concerning these two men, it is unfair to judge either of them harshly in this matter.

[1] Sixth Rep. Hist. Com., p. 101.

The indefinite allusion to Ingle's piracy in 1644 was not sustained, but in 1649 he was again called "pirate." The definition of piracy has undergone many changes within the past three hundred years. From robbery committed upon the high seas, it has come to mean, "acts of violence done upon the ocean or unappropriated lands or within the territory of a state through descent from the sea, by a body of men acting independently of any political or organized society."[1] The pirate has also been held as an enemy, whom the whole human race can oppress. These definitions are from the international standpoint. What was the English law at the time of Ingle? The treatment of pirates was regulated by the Act of Parliament, made in the reign of Henry VIII.,[2] and Sir Leoline Jenkins, on September 2d, 1668, at a session of the Admiralty, said, "now robbery as 'tis distinguished from thieving or larceny, implies not only the actual taking away of my goods, while I am, as we say, in peace, but also the putting me in fear, by taking them away by force and arms out of my hands, or in my sight and presence, when this is done upon the sea, without a lawful commission of war or reprisals, it is downright Piracy."[3] In the Assembly of March, 1638,

[1] Hall: International Law, p. 218.

[2] 28 Henry VIII., C. 15. See p. 124, Vol. VI., Evan's Collection of Statutes.

[3] Quoted by Phillimore. See International Law, Vol. I., p. 414.

piracy was defined as follows: "William dawson with divers others did assault the vessels of Capt. Thomas Cornwaleys his company feloniously and as pyrates & robbers to take the said vessels and did discharge divers peices charged with bulletts & shott against the said Thomas Cornwaleys, &c."[1] Granted, although it is doubtful, that Ingle seized the pinnace, riding in St. Inigoes' creek, he was not, therefore, a pirate. According to the testimony, he used no force, for the one in charge of the pinnace allowed him to take it; and the act was not committed on the high seas. For the acts committed on the land, Ingle acknowledged himself to have been responsible; for in his petition he wrote, that he "did venture his life and fortune in landing his men and assisting the said well-affected Protestants (*i. e.*, such as adhered to Parliament)" against the government, the papists and malignants. His acts on the land were rather contradictory, if one reads the testimony. In 1647, for instance, a certain Walter Beane[2] at the request of Cuthbert Fenwick, said that during the plundering time, with the consent of Fenwick, he paid Ingle some tobacco, which was due Fenwick or Cornwallis. Ingle then gave him the following, "Received of Walter Beane five hund^{r} Thirty Eight pounds of Tob for a debt

[1] A. P., pp. 17–18.
[2] L. O. R., Vol. II., p. 312.

th[t] the s[d] Walter Beane did owe to Cuthbert ffenwick. Witness my hand,

RICH[D]. INGLE."

Beane stated also that sometime before Ingle came, he paid six hogsheads of tobacco to Fenwick for Cornwallis, and that Ingle, upon his arrival, sent eleven men to fetch the hogsheads and other tobacco; that when Beane refused to give them up, Ingle was notified, and sent a note threatening extreme measures, and Beane was thus forced to give up the tobacco. Does it not seem curious that Ingle should give a receipt for one batch of tobacco, and within a short time have other tobacco forcibly seized? Of course the authorities of Maryland might have considered such acts piratical. But they were not. Ingle had a commission from Parliament, to relieve the planters in Maryland, by furnishing them arms, &c. He found the government of Maryland at enmity with Parliament, which was the actual government of England at that time, and assisted the friends of Parliament in Maryland. Even if he exceeded the provisions of his letter of marque he was responsible to Parliament alone.[1] That the English authorities did not disapprove of his conduct is shown by the weight attached to his statements, and by the fact that he was afterwards in the service of the Commonwealth.

[1] Phillimore, Vol. I., p. 425.

As to Ingle's having been a "rebel," the facts all point to his participation in the beginning of a rebellion, caused probably, by those dissatisfied with Leonard Calvert's rule, more probably by the influence of William Claiborne, who in spite of condemnatory acts by the Maryland Assembly, and the vacillating measures of Charles I., insisted for many years upon his right to Kent Island. But rebellion is viewed in different ways: by those against whom it is made, with horror and detestation; by those who make it, with pride and oft-times with devotion. If Ingle led on the rebellion, he was acting in Maryland, only as Cromwell afterwards did on a larger scale, in England, and as Bacon, the brave and noble, did in Virginia, and to be placed in the same category with many, who will be handed down to future generations as rebels, will be no discredit to the first Maryland rebel.

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BARON OF BALTIMORE.

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PREFACE.

The history of the Baltimore family is indissolubly linked with the history of the province of Maryland. The first Lord Baltimore, Sir George Calvert, though dying two months before the charter of Maryland had passed the great seal of England, and two years before the first settlers arrived in the colony, had laid the beginnings of the colony. To his son and successor, Cecilius Calvert, the privilege was granted of sending over the immigrants of 1634, and of completing the initial steps taken by his father, by which a new province was added to the British Empire in America. As lord proprietor of Maryland for almost a half century, he occupied an important part in moulding the constitutional, religious and economic history of the colony. The last baron of Baltimore died in 1771, only a few years before the inhabitants of his province declared themselves an independent commonwealth. The biography of each member of the family is sufficiently interesting in itself to claim the attention of the historian. From the accession of James I. to the reign of George III., the Calverts enjoyed a high political and social rank in England; but the most important member of the family was, beyond all doubt, its founder, George Calvert. The history of the first baron of Baltimore is peculiarly interesting from many points of view. As a leader of the Court party in the famous parliaments of the reign of James I., and as one of the king's principal ministers during the negotiations in the celebrated Spanish Match,

SIR GEORGE CALVERT,

BARON OF BALTIMORE.

OF all the counties of England none has held and is now holding a larger interest in English history than Yorkshire. The successor of the old Kingdom of Deira, even under its present name, it stretched, in the times of the Domesday survey, from sea to sea; and when joined to its sister Kingdom of Bernicia, under the common name of Northumberland, it for many years remained "the first state of Britain, first in arms, first in arts." The richness of its soil, the wealth of its mines, the varied beauty of its valleys, dales, and terraced hillsides, and the accessibility of its inland country, pierced by its great rivers, have made the North of England the scene of battles fought for plunder, for religion, and for local supremacy; and in each of its winding valleys and along each of its broad roads have been heard the feet of men in martial array,

and the cries and groans of the vanquished. Here in Deira, in Yorkshire, had settled the Romans, the Danes, the English. Of all the cities north of the Alps, York, with but one exception became the only imperial city of the Roman Empire, the residence of its emperor; here the Danish Conqueror had planted his black standard and here had reigned the Danish Kings in the only thoroughly Danish England, Deira; it was the city of York, the Roman Eboracum, the English Eoforwic, that had been chosen by Bretwalda Eadwine as the royal city, holding sway over all England save Kent alone. Through Yorkshire had raved the fierce Norman Conqueror, swearing by an awful oath dire vengeance on the shire for its bold revolt and the murder of the Norman garrisons. The Conqueror commenced his savage work at York. The inhabitants met a cruel death; their towns were destroyed, their crops trampled down, and their implements of husbandry and their cattle consumed in raging fires; a hundred thousand souls perished of famine alone. Yorkshire was conquered and its political life was crushed, but its capital became a center of a vigorous spiritual life and a rival of the old see of Canterbury, and claimed the authority, if it could not grasp it, over all Britain from the Humber to the Hebrides Islands. For many centuries the seat

of English power remained in the south, but long before the times of James I., the old shire had re-asserted its former political and social place and has ever since continued to maintain its prominent position; the North of England, including Yorkshire and Lancashire holds now the first place both in politics and in local trade.

To Americans also, the most widely known of all the shires of England is Yorkshire; Kent and Cornwall recall the days of great religious and political struggles, whose histories have come down to us in beautiful legends, but the frequent repetition in colonial history of the names of York, New York, Yorktown, Yorkville, tell the story plainly that the great county from which these names are taken had a close hold upon the favor of the colonists. The popularity of the name is not a mere caprice; many names famous in American history are of Yorkshire lineage; the Winthrops, the Penns, the Washingtons, and the Calverts, names closely identified with the settlement and the development of the States of Massachusetts, Pennsylvania, Virginia, and Maryland had their old English homes in Yorkshire; it was here the Puritans had gathered in great numbers before they sought an asylum in Holland. In this famous old shire, not far from the river Swale, is the little town of Kiplin, long unknown to fame and almost neglected by

the local annalists, but a place now famous in American history as the birth-place of George Calvert, the settler of Avalon and the founder of Maryland.

In one of those isolated spots in the valley of the Swale, within sight of the highway joining Durham and York, and about half-way between these cities, there yet may be seen ruins of the days of Roman supremacy in the dismembered castles and broken walls lying in and around the old town of Catterick. The annalist gravely remarks that *cataract* is derived from this old town, lying in the midst of rugged scenery. To the right of Catterick may be seen the well-known Hornby castle, the residence of the Duke of Leeds; to the left is an estate known as Kiplin Park, for many years the home of the Earls of Tyrconnel.

A day's walk from the old bridge that spans the Swale at this place will bring the pedestrian, travelling north-eastward, to the mouth of the Tees, along whose waters King Ida and his invading hosts had sailed their keels in the days of the English Conquest. A day's walk in a northern direction from Kiplin will bring the traveller to the border line between the counties of Durham and York; towards the west the eye rests upon the rolling meadows and pasture lands that mark the beginning of the hills that extend towards the famous Lake District of Cumberland and

Westmoreland, so graphically described by the poet Wordsworth.

In travelling eastward, the pedestrian can soon reach the heights of the lofty hills of Egton Moor, extending eastward until abruptly stopped by the blue waters of the German Ocean; from many points of the moor glimpses may be had of the famous town of Whitby; its venerable remains, clearly outlined by the blue background of the ocean, recalling the days of King Oswi, of Caedmon, and of Hilda, the English Deborah. A visit to this old town, so near his birth-place, may have reminded Calvert, particularly when his own religious faith began to waver, of the famous struggle that took place within the walls of the Abbey many centuries before his era. At Whitby had occurred the culmination, on English soil, of the strife of Ireland against Rome, of the followers of St. John against those of St. Peter, when King Oswi decided to forsake the Celtic church of Colman and to cling to the Roman church of Wilfrith and the Pope.

The village of Kiplin, where George Calvert was born, lies in the narrowest part of the valley joining Middle England to the North country. A local description of its situation a half century since has a quaint sound to American readers: — "Kiplin: a township in the parish of Catterick, union of North Allerton, wapentake of Gilling-East, North Riding of the county of York, 2¼ miles

[E. S. E.] from Catterick, containing 114 inhabitants."[1] Within sight of the village are the towns of Richmond, noted for its grand old castle; Ripon, with its celebrated Fountains Abbey, the most perfect monastery in all England, and its Grammar School founded by Queen Mary; North Allerton, the scene of the famous defeat of King David of Scotland at the battle of the Standard; and Thirsk, with its old church erected to St. Mary.

Though Kiplin was the birth-place of Calvert, it had not been the residence of his ancestry. We do not know how many centuries previous his forefathers had left the lowlands of Flanders to seek a new home in England, but during the long days of the reign of good Queen Bess, his parents Leonard Calvert and Alice Crossland had been living in the town of Danbywiske lying four or five miles east of Kiplin. Very little is known of this worthy couple, though it is generally stated that Leonard Calvert, was a grazier, that is the owner of large pasture lands, and occupied the social position of the modern English country squire. The story of their uneventful lives remains buried in the musty rolls of the parish church, upon the stones of neglected cemeteries, and in the annals of antiquarians and of local historians. Like so many of this world's heroes George Calvert was

[1] Lewis: Topographical Dictionary of England.

thrust into the arena of public life unheralded and almost unknown.

The exact date of his birth has not been determined; by some writers it has been placed in the year 1580, and this is probably the more correct date, though according to the conclusions of others, his birth took place in the year 1584, the same year in which occurred the discovery of Virginia by the vessels sent out by that famous old mariner, Sir Walter Ralcigh. Almost nothing has been unearthed concerning the boyhood of Calvert, but it is probable that until his entering upon college life at Oxford, he resided with his parents in the North Riding. The natural scenery and the historic associations of the places immediately in his vicinity would give his young mind much food for inquiry and contemplation. In our imagination we can see him directing his steps towards the great Richmond castle, built in the days of the Conqueror, its lofty square tower standing like a huge sentinel on the eminence washed at its base by the Swale. His thoughtful mind was doubtless soon attracted to the many picturesque panoramas of nature opening up in all directions; mountains and valleys, wide open moors, and quiet river views being within easy range. Towards the north-east, about a score and a half miles distant lay Durham, a place well-known in the days of the Saxon Kings, and early consecrated by the

monks of Lindisfarne, who lovingly laid to rest within its walls the remains of their devoted St. Cuthbert. The town is famous in modern times as the site of the magnificent Durham Cathedral; founded in the reign of William the Red, it is a perfect specimen of Norman architecture and a fitting memorial of Norman strength and endurance; for centuries before the days of Calvert, thousands of pilgrims wended their way to this shrine of St. Cuthbert and the venerable Bede. Towards the south-east of Kiplin, about two score miles lies the old town of York, a place that witnessed the death of the Emperor Severus and of the father of Constantine the Great, and by some writers claimed as the birth-place of the first Christian Emperor; its Roman walls, Saxon Cathedral and Norman Castle suggestive of most important chapters in English history. It is not improbable that the famous Queen Mary's Grammar School at Ripon, founded by the predecessor of Queen Elizabeth, had trained the mind of the young Calvert for his future career at Oxford.

Whatever may have been his early associations, it is quite likely he felt the influence and imbibed the teachings of the great families living in his shire. Here were sown those seeds, well watered at the Oxford University, that in after life rendered him so prominent an advocate of the King's prerogative and of close alliance between England and

Spain. Here lived great families whose political and religious struggles have filled whole chapters in English history. Yorkshire was truly the *terra Mariæ* of England. As the seat of the Catholic revolts of 1569, when according to the Earl of Sussex, Elizabeth's general in the North, "there were not ten gentlemen in Yorkshire that did allow [approve of] her proceedings in the cause of religion," the region of the Swale was filled with devoted followers of Mary the Queen, and of Mary the Virgin.

Though the career of Calvert, until his entrance into Trinity College, Oxford, about 1593, had been quiet and uneventful, yet during these twelve or thirteen years the life of the English people had been marked by most important events. During this short period, in England, upon the Continent, and in the New World, and even upon the ocean lying between, there was constant activity and confusion; the ominous noises of armies in motion, the thunders of naval combats, the hoarse cries of oppressed peoples, and the acclamations of joy of religious enthusiasts, indicated the effervescent state of men's minds. Acts of great daring and bravery succeeded dark deeds of passion and violence, and both left an indelible mark upon the pages of history. While the air was filled with confused rumors of plots for the murder of Queen Elizabeth, the hand of an assassin had sud-

denly removed the noble Prince of Orange. While the shores of Virginia were being sounded and mapped by Raleigh and his successors, the Spanish coast was harried by Drake, and the great Armada was shattered in the English Channel and washed up on the English strand. Though but a boy, Calvert must have been a witness of the joyful pæans of the Puritans and the tears of sorrow of the Papists upon the execution of the beautiful, yet erring, Mary of Scotland. His youthful mind was not sufficiently matured to realize the vast wealth stored up in the writings of his contemporaries, of Marlowe and Spenser, of Shakspere and Hooker, of Jonson and Bacon.

At the age of thirteen Calvert entered as a commoner the Trinity College, Oxford,[1] an institution founded and endowed by bishops of Durham. His college career is briefly told, for very few details are known; in addition to the Greek and Latin studies, he paid considerable attention to French, Italian and Spanish; it was his knowledge of these languages, probably, that enabled him in later life to retain the favor of King James. As he was a commoner in the College, paying all his own expenses and not upon the foundation, it is

[1] "At Oxford, subscription to the thirty-nine articles had been required on matriculation since 1581; and dissenting students had thus been wholly excluded from that university. It was a school set apart for members of the church." May; Constitutional History of England, III., 195.

very certain that his parents were possessed of some means, unless perhaps he was assisted by friends. After the usual course of three or four years he obtained the degree of B. A. on February 23, 1597, the same year in which appeared the "Essays" of Bacon, his future co-laborer. Calvert indicated his proficiency in the Latin tongue, and also the bent of his inclination, by the publication, at this time, of a poem dedicated to the memory of a statesman, whom he had early learned to admire.

The young graduate rounded off his collegiate instruction, and at the same time laid the foundations of his future political career, by visiting the continent in the same year he left his Alma Mater; the notion was still prevalent that the education of young men was not completed until they had visited the various courts of Europe, and had paid their respects to the reigning sovereigns. It is not improbable that he was one of the number of two hundred that composed the splendid retinue of Sir Robert Cecil in his embassy to the Court of France. Henry of Navarre, a Protestant, had been elevated to the throne of France by the assassination of the last of the line of Valois, Henry III., in 1589; Philip of Spain, in despair of injuring England in open warfare, after the wreck of the two great Armadas, had struggled hard to reach his great rival by laying claims to

the throne of France. To strengthen her own position by alliance with a strong neighbor, Elizabeth continued to send men and money to the King of France until the end of her reign. Sir Robert Cecil, who became in after years warmly attached to the interests of Calvert, was the leading spirit in the foreign policy of the Queen, and probably secured for the young politician an honorable place in the diplomatic corps. It is not known how long he remained abroad, though the embassy of Cecil returned in April, 1598; it is not improbable that Calvert returned with them, since we find him a few years afterwards busy at work at the English court.

In the year of the accession of James I. to the English throne, 1603, we notice Calvert busily employed in assisting Cecil, his patron, in the management of the manors and bailiwicks included in the jointure of Queen Anne of Denmark, the consort of James; and in the same year he was elected a member of the first Parliament of James, from the borough of Bossiney, a small fishing town in Cornwall; Hansard does not relate any instance of his taking part in the debates; his colleague was Sir Jeronimus Horsey.

It is not certainly known in what year he married Anne Mynne, daughter of George Mynne, Esq., of Hertingsfordsbury, Hertfordshire; probably the event took place in the year 1604 or 1605;

his oldest son Cecilius was born in 1606. The name given by Calvert to his first-born indicates the regard he had for his patron, who, on the death of Elizabeth had been continued by James as Secretary of State. The second son, Leonard, was named by Calvert after his father. Though almost no particulars are known of Anne Mynne, she seems to have been a devoted, amiable wife and a true lady; the encomiums passed upon her by her husband in answer to the queries of James at his appointment to the Secretaryship in 1619, the memorial tablet lauding her virtues, erected by Calvert, and his loving illusions to her in his letters to Wentworth long after her death, would all seem to indicate that in Anne Mynne the young politician had found a helpmeet and a companion.

The year 1605 marked an epoch in the career of Calvert; in this year he received the degree of M. A. from his Alma Mater, an event that greatly favored him in his ambitious projects. It would be an advantage to him to have the degree conferred at a time marked by some great event; it was probably for this reason that he waited until James visited the University in August, 1605. It was the first and only visit paid this seat of learning by the King, and great preparations had been made to give him a right royal reception. The progress of James and his retinue from Theobalds to the University had been the occasion of contin-

uous ovations and banquets, and when the royal party reached Oxford, August 27th, a great host of learned divines and jurists had gathered to receive them; many great nobles and the most prominent ministers and councillors had accompanied the King, and no expense was spared to provide a brilliant entertainment. The neighboring markets had been so depleted of provisions that for many days the prices of the perishable goods remained unusually high. The old town had been newly painted and cleaned, and the college buildings and grounds had been gaily festooned and brightly illuminated. When the royal party appeared upon the college grounds it was met by the University party, preceded by the Chancellor, carrying in his hand the white staff of office; the "bedells" attired in "fair gowns, velvet capps and chains of gold" accompanied the Chancellor, while behind him in long procession followed the doctors, graduates, fellows, scholars and probationers, all attired in their best gowns, hoods and caps.

During his sojourn at Oxford, the King was honored by innumerable orations, sermons, debates, and addresses in Latin and Greek. Banquets, processions and novel entertainments followed in rapid succession. The King did his part to enjoy the celebrations, though at times he would give way to a feeling of weariness, and during most laughable comedies he would be seen sleeping

soundly; but "of disputations he was never weary, and was so active in bearing his part and interposed so often, that he had not time or inclination to sleep;" he felt grateful to the Oxonians for their congratulatory epistle sent him at his accession, dedicated to the "*serenissimum Jacobum.*"

The degrees of M. A. were conferred in the presence of the King on the third day of his visit, August 30th. It was a proud day for Calvert when in the afternoon he received his degree, and was summoned to a seat in the Convocation among the great nobles and the venerable masters attired in their "black civill hoods" and in "black wide-sleeved gowns faced down to the foote with taffaty." The degree of M. A. was conferred upon forty-three candidates, including the Duke of Lennox; Henry Vere, Earl of Oxford; Henry Percy, Earl of Northumberland; and many other lay and ecclesiastical lords. According to the annalist "there was great labor made that the Prince [Henry] might be admitted Master of Arts, but the King would not consent thereto." The last name in the long list of newly created masters was that of "George Calvert, Esq." It is worthy of note that this same day, Sir Robert Cecil, Earl of Salisbury, the friend of Calvert, long since an M. A. of Cambridge, was admitted into the Oxford fraternity by receiving the honorary M. A. degree from this University.

After leaving Oxford, Calvert continued with his patron, and through the favorable notices of Cecil he was at once brought into favor with the King. A contemporary of his, writing a few months before the King's visit to Oxford, had said, "George Calvert hath good favor with his Lordship [Cecil] and is diligent enough." It was in the following year that James alluded to Calvert as "a good subject," and "a gentleman of good sufficiency."

Sir Robert Cecil, who had so early befriended the young politician, had held important official positions for many years. His father, Lord Burleigh, though "the youngest and boldest" of the Queen's advisers, was "the one minister in whom she really confided." Young Cecil had succeeded to the honors and the official standing of the elder, and attended the Queen to her last hour. The change of dynasty had even increased his power at Court. It was through his energy and diplomacy that the first of the Stuarts had secured the English throne without open opposition; it was he who furnished James with the ready money to enable him to make a creditable display in his progress to London; it was at Theobalds, the country seat of Cecil, that the King took up his residence. In securing the favor of such a powerful minister, Calvert had laid the foundation of all his future advancement. Long after the death of Cecil, the King remembered him with affection

and told Calvert that he was worthy to succeed him.

In a letter of March 10, 1611, Calvert wrote to Edmondes,[1] giving some account of the visit he paid Cecil on his return from abroad. The attachment of the Secretary for the young clerk is evident from one paragraph in the letter; it reads: "I presently went to the court and delivered my dispatch; I found my lord [Cecil] in a disposition calm and sweet, using me with that favorable respect wherewith he is pleased to grace those poor servants he makes account of."

II.

The Beginnings of Calvert's Public Life.

Calvert was inducted into political life at a very early age; he was not over twenty-three years old, possibly not even of age, when we find him busily employed in clerical and ministerial work for the Prime Minister, Cecil, who, at the beginning of the reign of James, had been also appointed High Bailiff and Steward to Queen Anne. It was the duty of Cecil to manage the numerous lands and tenements embraced in the Queen's jointure and to appoint deputy bailiffs and stewards. As his higher official duties claimed his close attention,

[1] English Ambassador at the French Court.

it is probable that most of the work of preparing letters patent, hearing reports from the manor courts, etc., was entrusted to subordinates. Various entries in the English State Papers indicate that some of this business passed through Calvert's hands. An entry of the date of October, 1603, reads: "Ralph Ewens [Queen's Auditor] to Geo. Calvert. In making a particular of the bailiwick of Spalding; thinks the bailiff of Hampton-in-Arden a fit man for it. Sends particulars for Prince's Risborough bailiwick, the patent to be in Rich. Edward's name." Another entry of November 8, 1603, reads: "Geo. Wilson to Geo. Calvert, Account of fees of the stewardship of certain manors, co. Somerset in the Queen's jointure."

During the decade from the accession of James to the death of Cecil, 1612, Calvert's advancement was steady and certain, though not especially rapid; he was maintained in office by Cecil and through his influence he secured some honorable appointments from the King. He became the private Secretary to his patron probably in 1606. In a letter contained in Lodge: "Illustrations of British History," bearing date January 26, 1607, Calvert is alluded to as the Lord of Salisbury's Secretary.

It was in the summer of 1606, that Calvert received from King James the reversion of an important clerkship in Ireland and so became officially identified with the country from which

two decades later he received his title of "baron." Calvert was presented to Lord Lieutenant Chichester with the following letter: "The King to the Lord Deputy. Considering how necessary it is that persons well qualified and trained in public service should be chosen and called to employment in public offices, he earnestly recommends his good subject, George Calvert, as a gentlemen of good sufficiency, to whom, for the respects above said, to grant the office of clerk of the Crown and of assize and peace within the province of Connagh and the county of Clare, which office Sir Richard Cook now hath. Requires therefore and authorizes the Deputy to cause a grant of those offices to be made to the said George Calvert, by letters patent under the great seal of Ireland; to be held by him or by his sufficient deputy or deputies during his life." The "yearly fee" or salary attached to this office was but 26½ l. Irish, but the perquisites were doubtless not inconsiderable. Since the Conquest of Ireland in 1603, by Mountjoy, many Englishmen had sought fortunes in the green island and the expectations of a large number were realized; the late Lord Deputy was known to have accumulated an enormous fortune, and probably Calvert found opportunity to add to his store. He was evidently well pleased with his Irish ventures, for his desire in 1611 for a wider sphere of action was gratified in his appointment,

together with Clement Edmondes, to have charge of the musters of garrisons in Ireland; the nominal fee, however, was but 6⅔ s. per day. There is no evidence that his request in 1614 to be appointed Master of Rolls for Ireland was granted, though his appointment in 1613, on two very important commissions to visit Ireland indicate the King's approval and recognition of his intimate acquaintance with the politics and people of this oppressed country.

The "thorough and terrorizing" policy of Wentworth in Ireland had not yet been inaugurated, but in the same year in which Calvert had received his Irish clerkship, James had begun his new policy of Anglicising his Irish subjects, and made great efforts to bring the Irish people under the established religion and common law of England. The clan system was broken up and communal tenure of land was rendered illegal; the old Celtic laws and customs were fast swept aside; English colonization was encouraged, and in 1610 the plantation of Ulster was begun, and Derry was colonized by the London Company.

The mutterings of the native Irishry became too deep and threatening for James to fail to recognize, and to obtain definite information of grievances he appointed, soon after the plantation of Ulster, several commissions to visit the island, and to obtain from the natives and the settlers the burden of

their complaints. Calvert was appointed upon two of these important commissions. One, consisting of five commissioners, was instructed to examine into the abuses of the Irish parliament and the general abuses of administration; the other, consisting of four members, was appointed to hear the grievances of Catholics and other recusants. The smaller commission, consisting of Sir Humphrey Wynch, Sir Charles Cornwallis, Sir Roger Wilbraham, and George Calvert, arrived in Dublin, September 11, 1613, and after a patient hearing of a long list of complaints, they returned their report November 12, the same year. Many of the grievances were dismissed as too trivial to demand investigation, though others could not be passed by in silence. Many fraudulent methods of securing the control of elections were revealed, and the baleful interference of the clergy in the elections was particularly censured; the commission lament the prevalence and the pernicious influence of papistry. A paragraph of the report reads: "that there have been practices in divers places to hinder the election of protestants is very clear, and that the priests have been persuaders in these practices appears both by the confession of some persons whom they have examined and by other pregnant circumstances." From the tenor of the report it is evident that none of the commissioners, including Calvert, were well favored toward the claims of the

Catholics or of the other less influential recusants in Ireland.

The more important commission of five members, upon which Calvert was appointed, included Chichester, the Lord Deputy of Ireland; it was appointed August 27, 1613, and made its report in the middle of November. They received twenty distinct instructions or subjects of inquiry, and were instructed to interview the reverend fathers, the lords bishops, justices of assizes, sheriffs, *et al.* They were ordered to ascertain if writs of elections had been duly sent to all counties, cities, and ancient boroughs, and if sheriffs were engaged in illegal practices and extortions; also to find out if there existed any unlawful confederations to tamper with elections, and any intermeddling of Jesuits in elections, by using the terrors of excommunication to enforce contributions to an election-fund, or otherwise; also to ascertain if the laws for the advancement of true religion had been enforced. Finally they were instructed to make a thorough inspection into the progress of the new plantation of Wexford, the kinds of land tenure, the nativity and pursuits of the residents, the condition of the soil, the variety of crops, and to gather other information relating to the administration, religion, and economy of the island. The report submitted by the commission was very lengthy and replete with valuable and interesting

statistics. In many respects it is just the sort of document that a modern Irish commission appointed by a Liberal government might be expected to draft and return to the Home office. The pernicious influence of the Jesuits is particularly pointed out, plans for the redress of parliamentary administration are proposed, and the condition of the Wexford plantation is clearly analyzed. The severe condemnation of the practices of the Catholics would preclude the notion that any of the commission were inclined towards this faith. Three years after the appointment of these commissions, Calvert's name is still found in the English archives in connexion with the affairs of Ireland.

During all these years Calvert was still enjoying the favor and confidence of Cecil, and upon his death in 1612, he continued to enjoy the "princely approbation" of James. A letter of September 6, 1609, to Calvert, begs him to use his influence with the Lord Treasurer (Cecil) to secure a warrant to some money sought by the writer of the letter. The mission of Calvert to the French Court in 1610, the year of the accession of Louis XIII., upon the assassination of his father, Henry IV., was probably prompted by Cecil to secure friendly relations with the French King; he returned to England in the early part of March, 1611. That he had a most enjoyable time abroad is evident from the tone of his letters. It was only

with difficulty he declared, that he was able to withdraw his mind from the pleasant memories of the Faubourg of St. Germain.

Before the close of the year 1611, Calvert had secured the favorable notice of the King by coming to his aid when profoundly stirred by a religious dissension that had occurred on the continent, the great Armenian controversy in Germany provoked by Dr. Vorstius. Sir Thos. Windebank had said in reference to this event, that "this was the first occasion that ever gave me access to His Majesty." Calvert already had access to the royal favor, but it is probable his assistance to James in the religious strife greatly strengthened his relations with his Majesty. In 1598, Vorstius, a sturdy religious disputant, had been accused of Socinianism, but betaking himself to Heidelberg he cleared himself of the charges; he was, however, closely watched by the anti-socinians, who were greatly perturbed by his vigorous writings. His election, in 1610, to the chair of theology at Leyden, to succeed Arminius himself, was a signal for a general alarm among all the Calvinists, and letters strongly condemning the election were sent by them to the various home and foreign universities. James himself became much interested, and, after listening to the charges, and reading some of the writings of Vorstius, he pronounced them very heretical and ordered them to be gathered at the Universities

and publicly burned. His anger increasing as he continued to read the "blasphemous book" of the Leyden professor, he wrote to the Dutch government a letter of bitter denunciation, and "recommended Vorstius to be purified by being burned at the stake, and declared that unless he was expelled from Holland, he would inaugurate a general Protestant crusade against Vorstius for his Armenian heresies," and that, as defender of the faith, he would take means "to remand to hell such abominable doctrines." In this year, 1611, had appeared the translation of the Bible known as King James' version. The King's holy indignation was not appeased until he had written a tractate against the unfortunate professor, though it is probable that but a small part of the book was written by the irate yet easily wearied King. In his letter to Salisbury, January 15, 1612, Calvert said that he was "writing out the discourse which the King began concerning Vorstius," but it is difficult to decide whether his "writing out the discourse" meant transcription, translating, or actual composition. The King generally wrote in French, but this tractate appeared in English and Latin. It is probable that Calvert did actually compose parts of the book as outlined by the King.

Calvert's intimate knowledge of Latin and the modern languages rendered his services to the

King of peculiar value. At the same time that he was writing out the French discourse against Vorstius, we find him employed in answering the voluminous Italian and Spanish correspondence of the King. By this means he was enabled to gain an insight into the politics of the continent that became of good service to him a decade later when, as Secretary, he was negotiating the Spanish Match.

The emoluments of the positions held by Calvert, and the fortune he had accumulated, enabled him to gratify a taste for speculative ventures by joining some of the more important trading companies at this time just coming into existence and patronized by all classes of citizens. Among the numerous grantees of the second Virginia Company, chartered in 1609, the name of Robert Cecil, Calvert's patron, heads the list; his name is followed lower down by that of George Calvert, Esq. It is not improbable that Calvert was a patentee of the first Virginia Company, chartered in 1606; and so late as the year 1620 his name is still found enrolled among the patentees of the Virginia Company. In the year 1609 he was admitted a member of the East India Company, and five years later, 1614, he added the sum of £600 to his stock in this company. It is interesting to note that in 1622 he was a member of the New England Company.

The year 1612 had opened very auspiciously both for Calvert and the King, for the latter was gaining a stronger hold upon popular affection by his active interest in the Vorstian controversy; both the English Government and the English Church were in strong sympathy with the Calvinists. It seemed for a moment as if the breach between James and his parliament, widened by the late angry dissolution of the latter, was being bridged over by the King's vigorous foreign policy, but the death of Cecil, Earl of Salisbury, in 1612, marred the plans of James and rudely disturbed the dreams of Calvert. The King was entirely at sea at the death of the wisest of his councillors, and instead of conciliating the people by selecting a suitable successor, he abandoned himself to the caprices of most extravagant and reckless upstarts. The death of his patron clouded the career of Calvert, but only for a moment. The very act that removed James farther and farther away from the confidence of the country party, the party of the liberals, drew Calvert more closely into the confidence of the King. In discarding the counsels of his great ministers, he was constrained to rely more implicitly upon the services of his confidential clerks. The overthrow of the Scotch page, Carr, only cleared the way for the advancement of the handsome and vicious Villiers, better known as the Duke of Buckingham. The close of the year

saw Calvert securely entrenched in the favor of the King; but there is no evidence that his position was secured by questionable means.

A letter of Calvert's, of the date of August 1, 1612, to Sir Thomas Edmondes, Ambassador at Paris, throws a broad ray of light into the recesses of the Court, now swayed by the all-powerful influence of Carr, Earl of Rochester. He writes: "You know the *Primum Mobile* of our Court, by whose motion all the other spheres must move, or else stand still; the bright sun of our firmament, at whose splendors or glooming all our marygolds of the Court open or shut. In his conjunction all the stars are prosperous, and in his opposition, malominous. There are, in higher spheres, as great as he, but none so glorious." Calvert felt instinctively the evils attending the Court swayed by the whims of an irresponsible favorite; he would have by far preferred to see the administration placed in the hands of a responsible ministry, but such a constitutional measure would have seemed revolutionary in his day; thrones and dominions must be overturned before such an event were possible. The glooming of the *Primum Mobile* did not dim the brightness of Calvert's star, for in the ensuing year, 1613, he was appointed by James one of the five clerks to the Privy Council, at a nominal salary of £50 annually, and in the same year he was sent on the above mentioned missions to Ireland.

Calvert was appointed clerk in ordinary, that is, in actual and stated attendance, not honorary, yet it is probable his services were claimed by the King more frequently than by the Council. Since the death of Cecil, the King had been acting, in his way, as his own prime minister, and was gradually withdrawing from the Council much of its powers. The attitude of the King is indicated by entries in the State Papers: "Numerous candidates for the Secretaryship, but the King says he is prettily skilled in the craft himself, and will execute it till he is weary;" another entry reads: "Neville has failed of the Secretaryship, because of the flocking of Parliament men to him. The King says he will not have a Secretary imposed on him by Parliament." Calvert's long tenure of the clerkship, for he only resigned in 1619 to accept the Secretaryship, is evidence that his services were valuable to the King; the tenure of all offices was very precarious under the arbitrary and fickle James. In March, 1614, it was widely rumored that Calvert would be sent as Ambassador to Venice, but he did not urge his claims. A contemporary writer said, Calvert is "not likely to affect such a journey, being reasonably well settled at home and having a wife and many children, which would be no easy carriage so far." He preferred the quieter and less expensive duties of clerk to the Council. That his services were appreciated we are constrained to

believe by the fact that in October, 1616, he and his co-laborer, Clement Edmondes, received the liberal donation of a thousand pounds each, "to be paid out of the checks in Ireland." Clement Edmondes had been the associate of Calvert in the administration of musters of garrisons in Ireland, and it is not improbable that a portion of the money was received for services rendered in this capacity; the nominal salary of the office was but 6⅔s. per diem.

This long period of quiet clerical and administrative work, for a foolhardy King, at an intensely corrupt court and surrounded by reckless upstart favorites was a critical time in the career of Calvert, yet it served as a good training school for the responsible duties soon to be thrust upon him. His patron, the Earl of Salisbury had served James faithfully for almost ten years and was so favored that he rose from one position of honor and trust to still higher ones, but no one could impeach Cecil at any time of want of honor or of principle, though his cold-hearted, selfish, suspicious disposition had alienated many of his friends and had lost him popular esteem. But to Calvert, the old minister had left a valuable legacy of political discipline and courtesy, of prudence, good management and thorough honesty, qualities eminently useful to a minister serving a master like King James.

At the period of Cecil's death, Calvert had probably ceased to be employed by him. His name does

not appear in the list of the late Secretary's clerks and private secretaries; yet Cecil had continued to remember him, for Calvert had been selected by him as one of the four executors of his will.

The year that witnessed the execution of the unfortunate Raleigh, 1617, was made memorable to Calvert by his elevation to the knighthood. He was still a clerk to the Privy Council, for he is so addressed subsequent to this event. Calvert was Knighted by the King on September 29, 1617. The royal family and a very full representation of the nobility had assembled at Hampton-Court to attend the marriage of Sir John Villiers, brother of Buckingham, to Lady Frances Coke, which occurred on September 27th. Two days later while the wedding festivities were at their height, James dubbed with the sword Albert Morton, Clement Edmondes and George Calvert, all clerks to the Council; the honor of the spurs was not, however, conferred on young Lake, also a clerk of the Council, a son of the Secretary Lake, whom Calvert succeeded in office.

In the interval between his knighthood and his appointment as Secretary, February, 1619, there is but one reference to Calvert in the English archives and this is entirely unintelligble. In a letter from Chamberlain to Carleton, ambassador at the French Court, bearing date August 20, 1618, the writer says: "Sir Geo. Calvert gone

to Court, his lady kept under guard." Unfortunately we are not permitted to lift the veil that clouds his domestic happiness and to ascertain the causes of his wife's imprisonment and his own hurried trip to London. His trip to the Court seems to have resulted satisfactorily, for no further mention of the event is made by the gossips of the day.

The most important step in the career of Calvert and in some respects a very unfortunate one, was his acceptance of the office of Secretary of State, tendered him by King James. The office was one of great honor, but also one of great responsibility. An old writer says: "The office of Principal Secretary of State is deemed of the highest trust and of great honour, and it is looked upon as of great consequence, both in the eyes of the sovereign and people." Queen Elizabeth had made use of but one Secretary; King James had followed this custom until the middle of his reign, when he appointed two principal secretaries of state, but their respective jurisdictions were not sharply outlined; it seems to have been usual for one to remain in or near London and the other to follow the King in his progress. Since the reign of Elizabeth the principal secretaries have been members of the Privy Council, previously their duty had been to prepare the business for the Council, in a room adjoining the Council Chamber,

but not to take part in the deliberations, unless specially summoned.

The course of events that led to Calvert's appointment to the Secretaryship is peculiar and interesting. A vacancy had occurred upon the dismissal of Sir Thomas Lake, February 13, 1619, on account of certain domestic difficulties which interfered with his official duties and greatly irritated the King. Secretary Lake had given much satisfaction to the Catholic element, his own private chaplain was a suspected priest. The Secretary's dismissal was probably due to religious complications, since the King viewed with much suspicion his Papal leanings. At the moment of Lake's dismissal James felt somewhat embittered towards his Catholic subjects and towards certain members of Lake's household who had gone over to the Roman Church. In a long and well delivered speech in the Star Chamber, a day or two after the dismissal of Secretary Lake, after bidding "all secretaries beware of trusting their wives with secrets of State," the King "compared Lake to Adam, Lady Lake to Eve and Lady Roos [their daughter] to the serpent." He gave orders to "the musters and the troops to be ready against the Papists, who grow bold in hope of the Match with Spain;" at the same time, "the King charged the Judges to beware of Papists, especially of women, who are

the nourishers of Papistry." A contemporary writer, in a letter, speaking of the dismissal of Lake, says: "the Papists were much dejected at his fall. The nuns of Louvaine are said to have prayed for his deliverance from his enemies. The King at this time was severe in his prejudice against Papists." The writer goes on to say that James, in his anger, even went so far as to say that Papists and disreputable women were *voies convertibles*, "which," the writer continues, "the Catholic ladies take very ill."

Though the King wavered from hour to hour in his political creed, yet at the time of Calvert's appointment as Secretary, he was bitter in his denunciation of Catholics, and very lukewarm in his proposals for an alliance with Spain.

At the time of his appointment Calvert was a member of the Established Church, and had not yet forgotten the policy of his old master, Cecil, which was a close alliance with Holland and France. He did not oppose the Spanish Match, but he was not one of its ardent supporters. Gradually, however, he became one of the leaders of the Spanish Party, and refused to desert the party even in the hour of defeat. He testified the sincerity of his political convictions in accepting the religious creed of the Spaniards, even though it obliged him to vacate his place in the ministry.

Streeter is not entirely correct in saying that in the year of his appointment Calvert was an advocate of close alliance with Spain. At a meeting of the Privy Council, held in the year 1619, some Bohemians present, in urging the claims of the Palatine, had narrated how they had inflicted the ancient and national penalty of *fenestration* upon their enemies. One of the Councillors whispered to another that it would give him pleasure to see some of the *Hispaniolized* members present treated to the same reward. Continues Streeter: "had the penalty been carried out in the English Council, as intimated, several among the members would have found it necessary to make their exit by another way than the door, and among them Sir George Calvert." It may be added that the punishment of fenestration consisted in throwing the offender out of the window.

To return to Calvert's appointment to the Secretaryship. He hesitated to accept the office, and was doubtless sincere in giving a reluctant consent. He had been in office long enough to gain some insight into the fickleness and selfishness of the King's disposition, and the constant dismissals from office revealed to him the sword suspended by a thread. In the five years preceding the degradation of Lord Bacon, 1621, there had been immured in the Tower "a lord chancellor, a lord treasurer, a lord chamberlain, a lord admiral, a

master of the horse, a secretary of state, a master of the wards, a lord chief justice, and an attorney general." The appointment came to Calvert when tenure of office seemed extremely precarious. He could not fail to see also the war clouds looming up towards the east, soon to deluge the continent with blood for three decades. Towards the west he saw the Irish sullen and threatening. The Spaniards and the French were guided in their state policies by the tact and wisdom of Count Gondomar and Cardinal Richelieu, keen, active, unscrupulous diplomats. In England, itself, there was no peace; the people were split up into great religious and political factions, struggling for the mastery.

Calvert was aware that he could not count upon the co-operation of Buckingham, who wished the office for Carleton, Ambassador to Holland. The Ambassador was much disappointed in failing to secure the Secretaryship and his disappointment reflects the chagrin of Buckingham. Offers were made to Calvert to secure his resignation. A few weeks after the appointment, a friend wrote Carleton that the newly appointed Secretary had been considering his proposals and would probably accept them, and turn the office over to him [Carleton], but his ambition was not satisfied until long after King James was dead, and not until Calvert had become a resident of America.

A letter of the time says, "Sir George Calvert sworn Secretary. Buckingham declares the choice

the King's own, and that he would not have a more eminent man, for fear of reflecting on Secretary Naunton." It is improbable since Buckingham's claims were passed by, that the King would attach much importance to the scruples of Naunton, who was subsequently disgraced and deprived of the functions of his office. Buckingham concealed his chagrin and went in person to inform Calvert of his appointment. He "disabled himself divers ways, but specially that he thought himself unworthy to sit in that place so lately possessed by his noble Lord and Master" [Cecil]. The King sent for him and expressed himself much pleased at his modest and unassuming manner; he asked him questions concerning Lady Calvert, and was assured by Calvert that she was a model woman and under no circumstances would she imitate the conduct of Lady Lake, whom James had compared to Eve. Camden's Annals speaks as follows of the appointment: "the King returns to Theobalds, when he had appointed in the place of Tho. Lake, Geo. Calvert, Secretary, who was Clerk of the Crown, whose prudence and fidelity in State matters, Robert Cecil, Secretary, was thoroughly acquainted with, and of whose assistance also the King made much use, yea, and he judged that he would be a great help to Robert Naunton, the other Secretary."

Calvert received the seals of office and was sworn in on February 16, 1619; as he was the King's

choice, he probably paid nothing for the office; it was rumored that he presented the favorite with a rich jewel, probably to secure his friendly co-operation, but Buckingham declined the gift. The Lord Treasurer, subsequently appointed, paid for his white staff no less than 20,000 pounds.

In his "Prince Charles and the Spanish Marriage," Gardiner, the well-known historian, gives the following pen picture of Secretary Calvert: "his [Lake's] successor was Sir George Calvert, an industrious, modest man, who might be trusted, like Naunton, to do his work silently and well. In former times he had been a Secretary of Salisbury, but his opinions fitted him to be the channel of communications which could not safely be entrusted to one who looked with extreme favor upon the Continental Protestants; for though he was anything but a thorough-going partisan of the Spanish monarchy, yet he had no sympathy whatever with those who thought that a war with Spain was a thing to be desired for its own sake."

The new secretary proved himself such an efficient public servant, that within a year he was appointed to the responsible position of "Commissioner for the office of the Treasurer." He and his colleague, Sir Lionel Cranfield, [Lord Middlesex,] received their appointment January 11, 1620. The duties of the Commissioners were very responsible. The Lord High Treasurer took rank as the

third great officer of the crown. Since the death of Cecil the office had been put in commission, now held by Calvert and Cranfield.

The year 1620 was one long to be remembered by Calvert. It saw him carried by an ebb tide far out upon the sea of political preferment and elevated above many of his old associates, and he was little conscious that the ebb tide would ere long turn into the flood and beat him back upon the strand bruised and disheartened. Buckingham was now gracious to him, and the King continued to show to him favors. While Bacon, his former associate in office, was grovelling in the dust before Buckingham, begging him to protect him from the coming storm, Calvert, a confidential advisor, was following the royal household from palace to palace and sumptuously entertained at the banquets given at Whitehall. The Great Chancellor was deprived of the Great Seal of office, was imprisoned and sentenced to pay an enormous fine; while Calvert was beginning to reap a golden harvest. Yet he could but feel hearty sympathy for the fallen minister, even though his patron, Cecil, had been uncompromising in his opposition to him. There can be no doubt that, when Calvert, Bacon and Arch. Abbott were commissioned to hear appeals from and perform certain administrative duties for the inhabitants of Jersey and Guernsey, the brilliant attainments of the

Attorney General, Bacon, had won the admiration of the methodical, careful Council Clerk. In his letter of December 5, 1620, Wentworth while electioneering for Calvert informed him of the high regard in which Bacon, Lord Chancellor, had held him; but Bacon himself was soon obliged to secure the aid of his friends. The only memorial of Calvert in existence, his portrait, was discovered in the last century, at Gorhambury, (near St. Alban's), the residence of Lord Bacon.

James bestowed on Calvert in May, 1620, an annual pension of 1000l. paid out of the customs duties. His nominal salary as Secretary of State probably did not exceed 200l. In this year he also received an increased grant on silk, to continue for twenty-one years. A facetious writer of the times had said "those that are nearest the well-head know not with what bucket to draw for themselves or their friends;" Calvert used no bucket but his own, but it generally came to the surface well filled. He continued to receive his revenues on silk uninterruptedly, notwithstanding his checkered career. In August, 1624, he received a letter from Wentworth, congratulating him upon the receipt of his 150 bales of silk. It was worth at this time about thirty shillings per pound. An entry in the Calendars of March 2, 1631, reads: "Warrant to pay to George, Lord Baltimore, 2,000£, to be deducted out of the increase of subsidy on raw

silk imported." The latest entry in the Calendars, October 31, 1631, is interesting from the fact that it indicates that for some reason Calvert surrenders his irregular, but extremely lucrative grants on silk for an annual pension. It is not improbable that he made the surrender to Charles, who, since his last Parliament in 1628, was becoming more and more straightened for money, in order to secure a favorable answer to his petition for the grant of land in Virginia. The entry reads as follows: "Grant to George, Lord Baltimore, (in consideration of his surrender of letters patent formerly granted to him upon the increase of subsidy upon every great pound of raw long silk and raw Morea silk, *and of his good service*) of a pension of 1000l. per annum, payable out of the impositions of all sorts of wines imported into this Kingdom, for 21 years from the feast of the Annunciation [March 25] 1632, with a discharge of 2000l. unpressted to him upon the grant of the increase of subsidy upon raw silk above mentioned." In this year, 1620, Calvert made his purchase of Avalon; it is not probable that in the days of the impecunious Charles he received Maryland without paying an equivalent.

The year 1621 was the beginning of Calvert's busiest career. At the Council Board and in the House his voice and his pen were kept actively employed. In the one he advocated a stronger

alliance with Spain, and at the other he was kept at work negotiating treaties with the Dutch and others, while, at the same time, his own estates in Ireland and his settlements in Newfoundland demanded his personal oversight.

There is no doubt that he was now beginning to feel the influence of the clerical party that finally succeeded in drawing him over to their side. Gradually, perhaps imperceptibly, he was alienating himself from the policy of his late patron, Cecil, and from the religious faith of his fathers. In pursuing the task assigned him by his master, he was becoming politically a strong advocate of the Spanish Match, and personally of the Spanish religion. On the eve of the meeting of Parliament doubtless three courses of political activity suggested themselves to him, to take a neutral position on the Spanish Match, to cast his lot with the majority in Parliament and oppose the Match, or openly to favor the Match and earnestly work for its consummation. When the Parliament assembled in February (1621), Calvert was one of the few members who eulogized alliance with Spain. It was a surprising blunder for an astute statesman to put himself in antagonism to the great body of the English people, for he surely saw the signs of the times; but the choice once made was consistently followed and clung to until it brought him to the awkward

alternative, either to resign his office and retire to private life or to play the part of a political weathercock, renouncing his former policy and so continuing to bask in the royal favor. When the moment came he resigned his offices, bade adieu to the Court, and retired to private life.

His reasons for advocating the marriage of Prince Charles to the Spanish Infanta are not clearly understood. They were not based upon religious enthusiasm nor due to fear of losing his official position. As a political measure, it was probably dictated by the dread he had of the power of Spain and the respect he had for their immense wealth; in one sense it would be a good financial measure as it would fill the purse of the bankrupt King of England. Of the calumnies and innuendoes directed against Calvert none is less warranted than the statement that he had been bribed by Spanish gold. Count Gondomar, the representative of Spain at the English Court, is said to have been the agent who bought the influence and services of the Secretary. It is well for Rapin's reputation that he did not write such history. It is true a recent editor of Rapin's History gives it as a rumor that Calvert had been bribed by Gondomar, but Rapin is not responsible for the unwarranted annotations of his editors. Gondomar may have had much influence over Calvert, as he had over the minds of hundreds of

contemporary Englishmen, but it was not that kind of influence that is stimulated by the sight of money and jewels.

The year 1621 had been ushered in not by the peals of joyful bells but by the ominous thundering of cannon, the groans of the oppressed and the hoarse cries of political and religious partisans. The reports and rumors from the seat of war on the Continent united nearly all classes in England in a clamor for the King to unsheath his sword and bid defiance to Spain and the German Emperor. The entrance of Spanish troops into the Palatinate of his son-in-law, the fall of Prague in November, the precipitate flight of Frederick and his wife to England aroused even James to action. He at once summoned Parliament. The proclamation for the new Parliament was issued November 6th, 1620. The last Parliament held was the Addled Parliament of 1614. In his proclamation the King had admonished the electors "not to choose any noted for superstitious blindness one way, or of turbulent humours another," but "obedient children of mother-church." The county electors were warned to choose as Knights of the shire no "bankrupt or discontented persons, who could fish only in troubled waters." The admonition of the King was not heeded and many persons of "turbulent humours," unfortunately for his peace of mind,

were sent to the Parliament. In this excitable Parliament of 1621, Calvert had been elected to represent Yorkshire. His election was almost entirely due to the resistless energy, tact and wisdom of Wentworth. Innumerable letters, persistent button-holing, and the promise of a great Christmas dinner to his followers secured for Wentworth the majority of votes for himself and his colleague Calvert; but Sir John Savile, the leader of the opposition, had set a great task for Wentworth. The great shire of York had been traversed on all sides by mounted local politicians working in the interest of the rival candidates. Secretary Calvert had been absent so long from his native town that he had almost ceased to be regarded as a resident of the shire, and had little local popularity. Wentworth was entertaining an intense hatred for Savile and was determined to defeat his parliamentary aspirations. He had refused to hand over the office of *Custos Rotulorum* to Savile, even at Buckingham's request, and had determined to elect as colleague one who would be a thorn in the side of Buckingham and so vent his wrath upon Buckingham and his ally Savile. This object he secured in the election of Calvert. This election is of peculiar interest since it cemented the friendship between Calvert and Wentworth, and laid the beginnings of the latter's bitter animosity to Buckingham.

The House of Commons assembled February 5th, 1621, the "greatest concourse and throng of people being present," says an eye witness. The Country party had an overwhelming majority over the Court party and they made an effective application of their power. James did not forget this Parliament of 1621, and Calvert who stood up almost alone in his defense of the King's policy did not soon forget the hisses that often greeted his remarks. There were a number of grievances to be redressed by the Commons as the growth of monopolies and the dishonesty of certain great officials, but for a moment all else was forgotten as they thought of the King's passive foreign policy. On the very first day Calvert made a speech for a supply of the King's wants. It was listened to with a feeling of curiosity mingled with suspicion. He reminded the members this was the principal motive for summoning Parliament, and after a review of the King's foreign policy, he concluded his address as follows: "All Christendom is in confusion—Germany, Bohemia, the Low Countries. Sweden and Poland are agitated and distrustful—the Turk has mustered the largest army he has ever brought together since the time of Solyman, and, by the first of March, it will be ready for action. When so many swords are drawn, it would be dishonorable indeed, should the King of England allow his to remain

in its sheath. Grievances there are doubtless; many and justly complained of; there is no body without some sores; but these are secondary; the King has promised that he will give a gracious hearing on that score; and he that will not rely on that promise betrays the country which has trusted him. I move, therefore, for a committee on the Supply." He asked for a subsidy of 30,000 pounds. "*Bis dat, qui cito dat,*" had exclaimed James in his opening speech. "Supply and grievences should go hand in hand," declared Sir Edward Coke, the disgraced Chief-Justice, in reply to Calvert. The rhetoric of the Secretary was doubtless more effective than his logic was convincing. His arguments ran;—the King has been struggling to unsheath his sword, but the hilt is held down by royal debts, therefore let the Commons grant a subsidy and the royal sword will be brandished in the face of the enemy. In the caricatures of the day James was frequently represented as wearing a huge scabbard, empty; or else a scabbard containing a sword at which many were tugging, but none could withdraw. He was also represented with his pockets empty and hanging down, and his purse turned inside out. It is to be feared the caricatures had made a deeper impression than Calvert's speech. Calvert's forwardness was regarded as very untimely, before any other business had been considered, and much

indignation was expressed, but the speech was known to have been delivered at the King's command. As is well known both houses of Parliament, at present, indicate their independence by considering some bill of their own before considering the Crown's message. One writer does say that Calvert "was censured in the Commons for his forward speech about contribution," but the censure was not an official action. The noisy opposition that greeted his opening remarks had hushed before he had finished, and the members were silenced if not entirely convinced. The bill was appropriately referred and a supply granted. Gardiner says Calvert's "conciliatory temper would in happier times have gained him the respect of the House." At any rate his present success was certain and thoroughly appreciated by the anxious King. "With the prospect of a grant of money," continues Gardiner, "he was beyond measure delighted. He ordered one of the Privy Councillors to inform the Commons that their conduct had made a great impression upon him."

It seemed for a moment as if the bonds uniting the King and the Commons had been indissolubly strengthened by the tact and prudence of Calvert. The House had made the grant to the King as "a testimony of their devotion," but the devotion was soon turned to hatred and the bonds violently sundered. Occasional fitful outbursts of

passion preceded the great storm that hurled the great Lord Chancellor down into the dust and that almost shook the throne itself.

The Secretary at once secured the confidence of the House by his apparent hostility towards the papal adherents, but he soon afterwards drew upon himself a great storm of indignation by the favors he showed towards Spain, through its ambassadors. Hansard says that on February 14th, (1621) was voted by the Commons "a conference for putting the laws in execution against Jesuits, &c." A committee consisting of "Sir Edw. Coke accompanied with the lord Cavendish, sir Fulk Grevil chanc. of the excheq., the Treasurer of the Household, mr. sec. Calvert, and several others of that house, delivered the following message to the Lords:—That the Commons do pray a Conference, concerning joining in Petition by committees of both houses unto his maj. for the better execution of the laws against Jesuits, seminary Priests and Popish Recusants; and this by the Nether House, is desired to be with all convenient expedition." Calvert lost the respect of many members, and almost forfeited the confidence of the Commons, by his apparent favoritism towards the Spanish ambassador, Gondomar. According to Gardiner, English naval stores, and particularly ordnance, were at this time (1621) highly prized on the Continent by the belligerents in the pending

struggle (The 30-Years' War). The exportation of English ordnance was "strictly forbidden, and the prohibition was only occasionally suspended as a special favor to the representatives of foreign nations. When, therefore, it was known that leave had been given to Gondomar to send a hundred guns out of the kingdom, the Commons were roused to an indignant remonstrance against the impolicy of furnishing arms to the enemies of the German Protestants. They listened with sullen displeasure to Calvert's explanation. James himself was obliged to come to the support of his Secretary. The license he said had been granted two years before, and could not now be revoked." The King was gracious to Calvert, and in less than a fortnight after the opening of Parliament, he made him the recipient of the grant of land in Longford county (February 18th, 1621). He makes mention of his Secretary as "a person deserving of his royal bounty." But Calvert's enemies in the House were active and vindictive. Within a week after the assembling of the Commons, Sir John Savile, the defeated candidate, had stirred up a strong opposition to Calvert and Wentworth, his rivals. The legality of their election was questioned, and it was rumored an attempt would be made to unseat them, but no official action was taken.

During the last week in February, an interesting debate took place between Sir Edwin Sandys and

Sir George Calvert upon the oft-mooted and still fruitful theme, money. The depression of trade, the ruinous falls in the value of land, and the general distress and poverty, argued Sir Edwin, resulted from the scarcity of coin. "The fountain of money," he continued, "is Spain. We have heretofore had from that country, yearly, one hundred thousand pounds. . . . Now we get no money from that country because we take so much of her tobacco; whereas if we would take that article from places under the protection of the crown, money must flow in from Spain." He concluded by urging the entire prohibition of the importation of Spanish tobacco. Calvert was the last to speak upon the debate. He was now cultivating no tobacco at Avalon, and was not personally interested in the encouragement of tobacco raising in the colonies, but probably in his arguments he arose above personal considerations. He dwelt upon the political advantages of maintaining relations with Spain. He argued, "it would be impolitic to prohibit the importation of Spanish tobacco," since free trade had been guaranteed to the merchants of each country, by treaty. The English merchants were now driving a large trade with Spain, receiving in exchange for their merchandise much Spanish gold. But the arguments of Sandys prevailed, the House resolved "that the importation of tobacco out of Spain is one occasion

of the scarcity of money in this kingdom." The unwitting testimony of the House to the great financial resources of Spain led Secretary Calvert to be even more cautious in his dealings with this power.

The House soon began to make attempts to curtail the royal prerogative. In despair of changing the passive, halting, foreign policy of James, they turned fiercely upon the redress of domestic grievances. Their first onset was upon monopolies. The King resisted, but in vain. Finally "he yielded to the storm and abandoned monopolies." They next attacked the King's ministers and were again successful. In preferring charges against the Lord Chancellor, the illustrious Bacon, they made a sharp and telling thrust at the King, and made him tremble for fear and indignation. The articles of impeachment were sustained, and Lord Bacon, in his own opinion, "the justest Chancellor" since his father's time, was abandoned by Buckingham and turned over to the tender mercies of the Commons. Heavily fined, imprisoned, stripped of all his privileges as an English citizen, he was forced to cry out, "I beseech your lordships, be merciful unto a broken reed." Calvert had boldly supported the King's prerogative in the House, and now was an earnest advocate of alliance with Spain. Probably many would like to see him receive the fate of the Chancellor, whose place in

the House, as a medium of communication with the King, he must now occupy.

During intervals in the stormy proceedings some purely economic topics were discussed. After the debate on the prohibition of Spanish tobacco, the Free Fishery question was agitated. The Commons were again treading upon dangerous ground, for the King considered that he had the entire control of colonial jurisdiction, and the House had no right to intermeddle. On the Fishery question Calvert was again in the minority, the House endorsed the sentiments of Sandys, "that a free liberty should be allowed to all the King's subjects to fish" upon the Newfoundland coast, now in possession of the Plymouth Company. Calvert "doubted whether the fishermen were not the hinderers of the plantation. That they burn great store of woods and choke the havens. He never would strain the King's prerogative against the good of the Commonwealth. It was not fit to make any laws here for those countries, which were not as yet annexed to the crown." This debate took place on April 25th, 1621. Calvert had but recently made an extensive purchase of territory in Newfoundland, and was personally interested in the Fishery question; he also felt his colonial privileges would be safer in the keeping of the King than in the keeping of Parliament. His fears, however, were allayed, for the bill was killed;

either negatived by the Lords or vetoed by the King. Chalmers says, probably incorrectly, that "owing to the reasons suggested by the Secretary of State, [Calvert,] it did not become the law of the realm." In Calvert's Charter of Maryland, the right was reserved "to all the subjects of our kingdoms of England and Ireland," of "salting and drying fish on the shores of the same province, [Maryland], and, for that cause to cut down and take hedging-wood and twigs there growing, and to build huts and cabins, necessary in this behalf," provided no "notable damage or injury" was sustained by the Lord Proprietary or the inhabitants of the province.

An ominous foreboding prevailed in the House when they were informed, in February, 1622, by Secretary Calvert, that the King intended to prorogue Parliament in a few days. It looked for a moment as if the past stormy scenes would be repeated. The members were intensely indignant that time was not allowed them to act upon important bills pending, now in the hands of committees. They had given the King a large supply, and had not expected such an untimely adjournment. They feared to meet their constituency with empty hands, as one speaker graphically stated it. They had granted much and had received nothing. After the excitement was somewhat allayed, Calvert arose and expressed his great surprise at the

demeanor of the House. The King's prerogative to summons, prorogue and adjourn Parliament, he argued, had never before been questioned. Certain religious grievances did call for redress, but mere discussion would accomplish nothing. In conclusion he exclaimed, "this Parliament hath married the King and the people, by a right understanding of each other, and cursed be the man that seeks to put them asunder." A great cry of "Amen" broke forth from all parts of the House.

Calvert was elated when he saw with what intense enthusiasm the Parliament adjourned. One who was present says: "that the like has scarce ever been seen in Parliament." On Monday, June 4th, in the course of an animated address, Sir James Perrott moved for a solemn Declaration that unless the continental powers would conclude satisfactory treaties with England during the recess, the Commons upon re-assembling would support their King with their fortunes, their swords and their lives. "The proposition was received with the utmost enthusiasm; and with the lifting of hands, the waving of hats, and the shouts of the excited members, the Declaration was read and adopted." Sir Edward Coke then arose and with tears in his eyes recited the Collect for the King and the Royal family.

During the recess of Parliament James had time to consider the best methods of securing the

co-operation of the House to his long cherished scheme of wedding "Baby Charles" to the Infanta of Spain. The King doubtless had many conversations upon the subject with Gondomar and Calvert. One great obstacle in the way was the inflexible perverseness of the House. Almost to a man they detested and yet dreaded the power of Spain. When the House had again assembled Calvert met the members with an unflinching courage, worthy of a better cause, though his manner was conciliatory and his words temperate. The members gathered together in November in no pleasant mood. Their constituents had vented upon them their disappointment, and the imprisonment of certain of their number had stirred up their wrath. The King's policy towards the continental powers was at once introduced and hotly debated; and Calvert was again on his feet to defend his master. Philips, an eloquent, but impulsive debater, had just delivered a vehement speech against the King's foreign policy, and favored the withholding of supplies. He was followed in a similar strain by Sir Edward Giles. "Calvert saw that it was time to interfere. In a few weighty words he explained the policy of the Government." He fully recognized the fact that "the friendship among princes is as their strength and interest is. He would not have our King to trust to the King of Spain's affection. As for the delaying of a supply

any longer, if we do it, our supply will come too late! It is said our King's sword hath been too long sheathed; but they who shall speak to defer a supply seek to keep it longer in the scabbard." "If James," says Gardiner, "instead of loitering at Newmarket, had been there to confirm his Secretary's words, he would have carried everything before him." The same historian continues, "For a short time it seemed as if Calvert's words had not been without their effect. Of the three speakers who rose after him, not one recurred to Philips' proposals to withhold supplies. But the distrust was too deeply seated to be easily removed. . . . Amongst the few who listened with dissatisfaction to the introduction of this irritating topic was Sir Thomas Wentworth, Calvert's youthful colleague in the representation of Yorkshire. . . . He [Wentworth] proposed, with the evident intention of giving time to communicate with the King, that the debate should be adjourned for some days. It was not an unwise suggestion, and if it had come from one with whom the House could sympathize, it might perhaps have been adopted. As it was, its rejection was certain. The renewal of the discussion was fixed for the following morning," and Calvert was again extolling the wisdom of the extravagant King. "Put not your trust in princes," had sung the Jewish minstrel, and James's Secretary could re-echo the sentiment.

While the King was recklessly wasting his money on the races at Newmarket, Calvert was strenously endeavoring to replenish his impoverished exchequer, and in warding off the blows levelled at the King by the irate Commons, he was laying up for himself wrath and bitter enmity. One stroke was not parried before another was given from another unexpected quarter.

During the recess of Parliament, Sir Edwin Sandys, one of its members, had been arrested for his alleged conspiracy with Southampton in negotiating with Frederick and Elizabeth to seat them again upon the throne of Bohemia; he was at once sent to the tower and imprisoned for a month. A commission consisting of the Duke of Lennox, Marquis of Buckingham, Earl of Arundel, Sir Lionel Cranfield and Secretary Calvert had been appointed by James to examine into the charges brought again Sandys and his fellow-prisoners. Towards the end of July the prisoners were released. The arbitrary exercise of the King's prerogative was warmly discussed in the fall session of Parliament, and severely denounced. After many speakers had expressed their indignation at the event, Calvert arose to defend the action of the King, by declaring that the arrest and imprisonment of Sandys had not been occasioned by anything said or done in Parliament. One member took occasion to say in reply, "the house

will scarce believe Mr. Secretary, but thinketh he equivocateth." Mr. Spencer replied to Calvert with a great deal of warmth, in conclusion he said: "The speech of that honourable person [Calvert] that spoke touching this matter, gave me no satisfaction. For he said, it was not for any thing done or spoken in the house. . . . I would gladly know whether we are not as free to speak in Westminster-hall, as here: and whether we are a parl. in the forenoon, and not in the afternoon. Then farewell privileges, and farewell England!" "Calvert's statement," says Gardiner, "though literally true, was received with general incredulity, and murmurs of dissatisfaction were heard on every side. It was only upon Calvert's agreeing that his words should be entered upon the clerk's books that calm was restored." The Commons were apparently convinced but not fully satisfied. They hastened two of their members down into Kent to obtain from Sandys his version of the proceedings. The King heard of their distrust and the very next day sent them a tart letter for their presumption in sending a committee to wait upon Sandys. He told them in plain language that they had no business "to talk or write sawcily" of matters not pertaining to them; he strictly charged them to refrain from debating upon the marriage of his son, and not "to use reproachful language against his dear brother of Spain." The fiery leaders seem to have been

absent, for the Commons immediately sent the King a letter humbly apologising for intermeddling in the *Arcana Imperii.*

Calvert was no longer the silent Secretary described by Gardiner. He had ceased doing his work quietly, but had continued to do it well. In the Council and in the House he was now a conspicuous personage. The entire year 1621, beginning with the assembling of Parliament in February had kept him very busy and in continual excitement. The irritability of the King in his illness and his extravagant behavior, the increasing demands of the Commons and the antagonism between the King and his subjects upon the foreign policy had called forth from the Secretary the continual exercise of courtesy and diplomacy. It was his constant aim to bridge over the gulf between the King and the Commons, and yet not to curtail the royal prerogative. After the disgrace of Bacon, a part of the Parliamentary duties of the Chancellor seemed to have devolved upon the Secretary. He served as a medium of communication between the Crown and the Commons, and was often instructed to deliver the King's addresses by "word of mouth," to the House. Letters from James to the Commons were directed either to the Speaker or to Secretary Calvert; and as a representative from Yorkshire, he was burdened by the demands of a large constituency, frequently

unfriendly to him; and his cares were necessarily further increased by the exceeding difficulty of reconciling his duties as a representative with his duties as privy Councillor and Secretary. Had he been willing to imitate the procrastinating, shiftless methods of Buckingham, his task would have given him little uneasiness.

But in the midst of all his public and private affairs, the Secretary preserved a calm, unruffled, affable demeanor, the quiet dignity of self-conscious strength and integrity. A very interesting pen picture of Calvert as he appeared towards the close of the year 1621 has been preserved. The French Ambassador, Tilliérs, resident at the English Court, in a letter of November 25, 1621, made the following observations of what he saw at London: "the control of public affairs rested with the King, Buckingham and the Secretary of State" [Calvert]. After mentioning the King's apathy in public affairs, he continues, "the Marquis presumptuously meddles with all affairs, domestic and foreign, though he in fact knows nothing of either, . . . the third man, in whose hands the public affairs are ostensibly placed is Calvert, Secretary of State. He is an honorable, sensible, well-minded man, courteous towards strangers, full of respect towards ambassadors, zealously intent upon the welfare of England; but by reason of all these good qualities, entirely without consid-

eration or influence." This account of Calvert is particularly attractive as it represents him during the most active part of his career. It is very probably reliable, because it comes from an ambassador and a Frenchman. As a Frenchman he must have known that Calvert was the leader of the Spanish party, and as an ambassador he must have been a careful if not a keen observer. This was the Calvert upon whom the king relied in his communications with the famous parliament of 1621.

Fortunately for the peace of mind of the Secretary, the session was rapidly drawing to its close; but it closed in a manner that fully harmonized with the entire proceedings. On the day appointed for the discussion of the question of privilege in the Committee of the Whole (December 17), Calvert arose and proceeded to read a letter just received from the King, directed to himself. The tenor of the letter and the manner of the speaker were so conciliatory that further action upon the question of the day was deferred till the following day. The Commons then at once drew up a "petition of thanks" to be sent his majesty by a select committee; but while the committee was on its way to Theobald's with their olive branch, the Commons were again aroused to action, and hastily drew up the famous "Protestation." James was indignant at the conduct of the members, and on the eve of the last day of December he entered

the council chamber, and summoning the Clerk of the House, ordered him to produce the Journal of the House, in which had been recorded the Protestation. The King was offended at the resolution because "it contained words which may be construed so as to invade most of the prerogatives of the Crown; therefore in full assembly of Council and in presence of the judges, his majesty erased it from the Journal book with his own hand, and ordered an act of Council to be entered thereof" [Cal. Eng. State Papers]. Calvert has been censured for coinciding with James in his quarrels with the Commons. Perhaps he did sympathize to some extent with the Commons, even if he did not approve of their methods; but at any rate, it was not difficult to persuade himself that the King was not altogether in the wrong. He did not follow the King blindly or from sordid motives. He recognized and accepted the issue. He had declared in the House that he would not press the King's prerogative beyond its just bounds, but he felt that it would be suicidal to James and a dangerous experiment to the country to admit all the extravagant claims and pretensions of the House. Grievances must be redressed, but not hurriedly; he recognized that there was a limit to the surrender of prerogative. Calvert would not willing assist in turning over to Philips and Sandys the reins of government, and let the King

be driven from the throne. About a fortnight previous to the adoption of the "Protestation" by the House, James wrote Secretary Calvert a letter which assured him of the King's good intentions. The King says that "he is so loath to have the time of the Commons spent in discussing his letter, that he descends from his dignity to explain that his objections to their calling their privileges those of inheritance rather than toleration, arose merely from hatred of anti-monarchial words; never intends to infringe on any privilege which they enjoy either by justice, grace or long custom, but rather to maintain and increase them. Urges that they proceed at once to business and refrain from further wrangling about words." Calvert felt with James that the supremacy of Parliament meant the supremacy of the people, and the supremacy of the people meant the repetition of those scenes of peasant revolutions that had threatened the very existence of the governments on the Continent. Calvert recognized the extreme weakness of the King's reply to Parliament, though he was loath to admit it to the indignant members; Hallam says: "Calvert, the Secretary, and the other ministers admitted the King's expressions to be incapable of defense, and called them a slip of the pen at the close of a long answer." The Secretary, however, dreaded an open rupture between the King and the Commons, and gladly welcomed the close of the stormy session.

After the adjournment of the Parliament of 1621, Secretary Calvert turned his attention more intently upon the ministerial and diplomatic duties of his office, but his duties in the House had not prevented him from jealously guarding the interests of England abroad. A break with Holland seemed to be imminent from the difficulty of compromising the opposing claims of the Dutch and the English East India Companies. These two companies had many disputes about their conflicting claims to territory in the East, their mutual interference with each other's trade, and the seizure of each other's vessels and cargoes. So heated grew the disputes that both England and Holland found it expedient to appoint Commissioners and to have all differences adjusted by arbitration and treaty. Both Calvert and Carleton took an active part in the negotiations. On July 24, 1621, Calvert had written to Carleton, Ambassador at the Hague, in allusion to the Dutch Commissioners sent to the England, "if their bad usage and neglect is continued, it will shake the amity between the Crown and the Provinces [Holland], and they will be the first to repent of it. The persistency of the Dutch is illustrated by a letter which Calvert wrote to Carleton nine months afterwards: "We stick still here in our treaty with the States' Ambassadors, not having concluded any one article; the fault is theirs and not ours, who have

yielded more than was reason; finding them, nevertheless, hacking and taking all advantage upon the least difference." Calvert was anxious to conclude a treaty with the Dutch as favorable as possible to the English Company, for he would not only promote his own personal interests but he would also secure an advantage to the English people, for the East India Co. was an important factor in English commerce, and it brought a large revenue to the crown. A letter of the year 1622 affirms that "goods bought in India for 356,288l. have produced in England 1,914,600l." Calvert was acting not simply as a Privy Councillor, or a Treasury Commissioner, or Secretary, but he had been appointed by James on the special commission to confer with the Dutch. Upon the completion of the treaty in 1623, Calvert wrote to Carleton as follows:

"After some thirteen months' debate with the States' Ambassadors about our East Indian quarrels, we have at last made an end and parted good friends, though with much loss and disadvantage to the English Company, as is conceived. This day they take their leave of the King."

The Dutch had adduced abundant proof that the English had fired upon and burnt their ships and stolen their cargoes. They were determined not to leave England until their injuries had been redressed. They were much elated over their success-

ful diplomacy, though it is not improbable that Calvert yielded somewhat in order to secure their friendly co-operation in the mooted alliance of England with Spain. In his reply to Calvert's letter, Carleton writes: "the States' Ambassadors landed in the Maese on Monday last and have made so good a report of their business and of the King's gracious usage of them during the whole of their long stay in England, that they remain here much comforted and well assured that our Match with Spain will breed no divorce with this State, of which there hath been of late days no small jealousy." In the English archives the treaty is designated: "Reglement between the English and Dutch East India Company. In 8 articles corrected and with marginal notes by Sec. Calvert."

Scarcely a year had elapsed since the signing of the Dutch treaty, when a thrill of horror passed over all Europe at the reception of the news of the torturing and the massacre of the English residents in the East by Dutch traders. In an outburst of anger Carleton wrote to Calvert, August 11, 1624, that he "has his hands as full of as tough a piece of work as he ever had in his life about the bloody business of Amboyna, which we must not suffer to be washed away with words." The Amboyna Massacre was not washed away with words, the bloodstains were almost indelible; but fortunately for Calvert's peace of mind the settlement

of the knotty question was entrusted to other hands.

Certain minor affairs were also entrusted to the jurisdiction of the Secretary. Among other local duties, he was particularly interested in the administration of the islands of Guernsey and Jersey. At one time he submits a report upon "the castles, forts, ordnance and supplies" of the islands, at another time we find him in receipt of letters from dissatisfied residents urging him to exercise "the vigor of your authority, for crosses fail not, Satan being vexed that they try to abolish his reign." In the early part of the year 1622, a warm triangular fight was waging between the Bailiff of Jersey, the Dean and the Governor upon questions of jurisdiction and appointments to office. The Secretary was obliged to interfere to restore order.

The year 1622 was made memorable to Calvert by its vicissitudes of joy and sorrow, of worldly prosperity and of domestic unhappiness. In the midst of his pleasurable anticipations upon the Spanish Match, his spirits were cast into gloom by the sudden death of his amiable wife, on August 8, after an illness of but two days, at the age of 52 years, leaving behind her eleven young children. The oldest child, Cecilius, who became the heir of his father's fortune and title, was but sixteen years old; Leonard and George a decade after this time

emigrated to the colony of Maryland; of Francis and Henry very little is known; John, born on the eve of his mother's death, is said to have died in youth. Of the five daughters little is known, save their names; Anne, the eldest, married Mr. William Peasley, and Grace became the wife of Sir Robert Talbot of County Kildare, Ireland; Dorothy, Elizabeth and Helen completed the family. The death of his wife was a severe blow to Calvert. Long afterwards he makes mention of her in tender terms in his letters to Wentworth; he caused a tablet to be placed in the Hertingfordbury Church as a memorial of her virtues and as a token of his sorrow.

The proceedings of the New England Company of which he, in this year, had been appointed a Councillor, the reports from the Virginia Company, in which he was interested, and the correspondence of his colonists in Newfoundland, which in this year had been entirely granted to him, served to divert his attention from his domestic grief. The multitudinous duties of his office also pressed upon him. One month after the departure from England of Gondomar (March, 1622), the Secretary was named a special commissioner by the King to arrest and to punish Seminary priests and other recusant clergy remaining in the country contrary to the law. The results of the investigations are not known, but it is somewhat significant that he

should accept such a position so soon after the departure of the Spanish Ambassador, who was said by some to have converted Calvert to Catholicism.

Calvert reached the zenith of his political career during the year 1623. Its opening had been very auspicious. The sun rose bright and cheerful and predicted a long term of sunshine and a radiant noontide, but the bells that tolled the death of the year also tolled the death-knell of the political policy of the Secretary. The evil genius who had shadowed his pathway finally brought about his fall and his retirement into private life. Buckingham, it is true, had become to all appearance reconciled to Calvert, and probably had meditated him no personal injury, but it was the reckless conduct of the Duke in Spain that shattered the airy castle of the Secretary, and drove him to tender his resignation and to seek a new field of activity in America.

The Spain of Calvert's time was a grand Empire, extending over portions of both the Old and the New World. Generally regarded as the possessor of enormous wealth and of vast resources, she was a strong ally in peace and in war was dreaded as a dangerous enemy. Forgetting for the moment that a house or a country divided against itself cannot stand, and dazzled by the glare of Spanish extravagance, Calvert had hoped to extend the

sway of England and make her a strong power by effecting a permanent alliance between his own country and the strongest of continental nations. Perhaps in looking down the vista of centuries he saw the time when England's King would become the peer of the German Emperor and the House of Stuart would reign over millions of continental subjects and control the destinies of myriads in the New World. The protegé of Cecil had abandoned the foreign policy of his patron and had gradually become a leader of the Spanish party. To Secretary Calvert, therefore, was entrusted the delicate and dangerous business of negotiating, at home, the consummation of the Spanish Match.

The Secretary entered upon his work at the very beginning of the year. A letter of the date, February 27, 1623, written by the newly appointed Secretary, Conway, to the Lord President of the North, requests his lordship to inform the King from time to time of the proceedings of the Council "and to relieve therein Sec. Calvert, who has much foreign business now lying upon him." The foreign business engaging Calvert's attention may be presupposed from the contents of a long, interesting letter, of same date, written by Calvert to Carleton. In this letter, he writes: "On Monday, the 17th [February], the King went from Theobald's to Royston, and the Prince and Buck-

ingham to Newhall, pretending to join him at Newmarket, instead of which they posted from Newhall to Gravesend, thence in disguise to Dover, where being joined by Sir Fras. Cottington and Endymion Porter, sent on beforehand to provide shipping and to stop the ports, they sailed for France, en route for Spain. The rumor flew to Newmarket, where the Council knelt to implore the King to tell them if it was true. He said it was, the Prince passionately desiring thus to put an end to the business that so long distracted the King's affairs; but pomp and splendour being inconvenient, he had gone privately. His Majesty reminded them how he, his father, and his grandfather had gone to Scotland to fetch their wives. After long discourses, they pursuaded him to send some person of distinction after the Prince, in case he was stayed in France, and Lord Carlisle was chosen and sent off at once. The Prince and Duke sailed on the 19th, at five A. M., were very sick at sea, landed at Boulogne at noon, reached Paris on the 21st and left on the 23d at four A. M."

This letter proves almost conclusively that besides the King, and the two Knights errant, the best informed person of the escapade was Secretary Calvert. The entire Council, save himself, had been kept in profound ignorance. It took the runaways four days to reach Paris from Dover, yet within the four days succeeding their departure from

Paris, Calvert was in receipt of detailed information concerning all their movements.

The flight of Prince Charles produced a feeling of profound consternation both in England and across the Channel. Dud. Carleton, writing to his uncle at the Hague, said, "not one of the Council, except Buckingham, knew of it beforehand and all profess great apprehension." The apprehensions of others do not seem to have been shared by Calvert. He appears to have been unconscious of or indifferent to the general sentiment of the English people. If unconscious of the intense hatred of Spain felt by the common people, then he must have totally misjudged the meaning of the tumults of the late Parliament; however, he bent every energy to cement friendly relations between the two powers by means of the marriage of the Prince and Infanta. The official correspondence of this period indicate Calvert's activity and influence. While Secretary Conway is busily engaged upon the Scotch affairs and other domestic matters, Secretary Calvert is made the vehicle of communication between the King, the Duke, and Bristol, Ambassador at Madrid. In a letter of April 1, 1623, Conway reproves Sir Richard Bingley for hesitating to comply with Calvert's instructions because they were not endorsed by the King. He directs Bingley "to hasten to Spain according to Calvert's directions, whether Lord Vaughan become

or not. Advises him to acknowledge his faults of ignorance against Secretary Calvert, or he must be made to answer for it." Frequent letters passed between the King, Buckingham, and Calvert, during the progress of the negotiations. The Duke addressed the King as "Dere Dad and Gossepe," and subscribed himself, "Your Maj. most humble slave and dog, Steenie." James in one of his letters writes: "The newis of youre gloriouse receptain thaire makes me afrayed that ye will both miskenne your olde Dad hereafter." In a letter of April 3, 1623, to Buckingham, Calvert writes: "there is amongst all honest men an universal joy for the good news brought us by Mr. Grymes, and we have made the best expression of it we can for the present. I hope it shall every day increase, first for the general good, and next for the great part of honor your Lordship hath in it." In May, Calvert wrote to the Duke: "His Majesty commands me to write unto your lordship about the portion and to put you in mind of that, of which I doubt not, but you will be careful enough without it, that is, that there be no diminution or falling from the first offer of six hundred thousand pounds; for that his Majesty hath had some cause given him to conceive that they begin there to think upon a less sum."

While Bristol and Buckingham are planning, banqueting, and at times quarrelling at the Spanish

Court, the Secretary is busily occupied in London, furnishing entertainment to the Spanish Ambassadors and their retinue. As the rumors of the pending negotiations percolated down through the masses, their indignation vented itself in acts of violence that required all Calvert's tact to ward off from the Spaniards. James had directed Calvert, in March, to allow "no ruffling words to be used to the Ambassadors," but this injunction did not prevent the London canaille from hooting them and throwing small missiles at them as they passed along the streets. The turbulence of the English mob in 1623 may be partly understood by observations of Baron D'Haussez, in "Great Britain in 1633." This French minister affirmed that "the lower classes in England are distinguished by a grossness of manners which places them lower in the social scale than any other nation. They are at once ferocious and depraved; their instincts dispose them to a state of permanent aggression against the rest of society." But the expressions of popular discontent did not weigh heavily with the busy Secretary. At the royal banquets given in honor of the Spanish Ambassadors, he was one of the gayest spirits. He followed the progress of the royal party in the spring of 1623, and at the entertainments he was conspicuous for his joviality. Chamberlain writing in May says, "the King kept St. George's feast at Windsor. . . . Secretary

Calvert was very gay and gallant there, all in white, cap-a-pie, even to his white hat and white feather."

The Secretary's mind was at times illumined with pleasure in receiving from his former colleague bright sparkling letters redolent with the odors of the Yorkshire hills and meadows. Wentworth urges him to take time to pay him a visit at his country seat, where the pastimes consisted, as he invitingly describes it, "in looking upon a tulip, hearing a bird sing, a rivulet murmuring." The uncompromising, energetic Wentworth was singularly drawn toward the courteous, thoughtful Secretary, and the correspondence between the two "cousins," as they called one another, forms an interesting chapter in the career of each. Calvert would gladly have hastened to Yorkshire, but he was too pressed for time. He indicated his regard for his friend by recommending to the King the appointment of Wentworth as deputy lieutenant of Yorkshire; but the King was not prepared to grant this honor to such a radical member of the Country party, and courteously passed by the request. It was not many years before Wentworth apostatized, and became the Lord President of the North.

Calvert devoted the summer of 1623, almost completely to the Spanish affairs. While Bristol, at Madrid, was using every means to move the

Spaniards to come to some speedy definite action, Calvert was employed at home in corresponding with Rome, in drawing up the marriage treaty, and in making elaborate preparations for the reception of Charles and his Spanish bride. Secretary Conway, the co-laborer of Calvert, had become the travelling companion of James; he had secured the King's confidence, but he transacted the King's orders through his "more experienced colleague." Conway was a good type of the courtier of the reign of James. His character and attainments stand in direct contrast to those of Calvert. Gardiner says: "it was soon understood at Court that he [Conway] had in reality no opinions of his own. His thoughts as well as his words were at the bidding of the great favorite [Buckingham]. In an age when complimentary expressions, which in our time would justly be considered servile, were nothing more than the accustomed phrases of polite society, Conway's letters to Buckingham stood alone in the fulsome and cloying flattery with which they were imbued." Owing to the incapacity of Conway, it became Calvert's duty, says Gardiner, "to write dispatches, to confer with foreign ambassadors and to attend to the details of business."

Sunday, July 20, 1623, was a day long to be remembered by Calvert. Doubtless the memories of its stirring events served to brighten many dark

days in store for him. It was the occasion of the "Solemn and Royall Entertainment given unto the two Spanish Ambassadors at Whitehall." The most important part of the services, held in the Royal Chapel, was the reading of the proposed treaty with Spain, containing the Marriage Contract. Besides the King there were present the Archbishop of Canterbury, the Lord Chancellor and Keeper, the Lord Treasurer, the Lord President of the North, the Lord Privy Seal, and a large number of Dukes, Earls, Marquises, bishops, and members of the lower orders of nobility and clergy. Spain was represented by the two Ambassadors, dressed in gorgeous attire, "accoutremented alike in murrey velvet clokes, cassoques, and hose, all layde thicke with silver lace, and doubletts and lynynges of their clokes clothe of silver, branched with murrey flowers." Their attendants were dressed in "riche habillements, made noe lesse somptious with jewells and chaynes of golde, richly sett with pretious stones." At the appointed hour, amid great silence, befitting the occasion marking an epoch in English history, the Marriage Contract was produced and "Secretary Calvert redd the Articles in Latyne, which were twenty-five or twenty-six in nombre, written in a skynne of parchment on both sides, about a quarter of a yarde deepe, haveing thereunto then affixed the great seale of England." The Articles, actually

numbering but twenty-three, were then subscribed and sworn to by King James, Archbishop Abbott, and the great officers of state. The concessions made to Spain and the Catholics, by the terms of the Marriage Contract, were particularly aggravating to the body of the English people. Their feelings were more keenly shocked when it became whispered abroad that the King had agreed to a secret treaty, peculiarly advantageous to the Spanish bride and her retinue. The afternoon and evening of the day were devoted to a banquet, never surpassed at the English Court in the splendor of its appointments. The walls of the banqueting-room were festooned with the gayest colors, and covered with the richest piece of tapestry in the Kingdom, representing the story of Abraham. The tables were "relucent with the most richest Crowne plate," requiring eight carts to transfer it from the Tower. Much of the plate was of pure gold; "many pieces being most richly sett and embossed with pretious stones of great price." One single piece was estimated to be worth not less than forty or fifty thousand pounds. To the Spaniards the whole affair may have been a great farce; but James and his Secretary were thoroughly in earnest. When the oath was taken by James, at the reading of the secret treaty, he exclaimed, "Now all the Devils in Hell cannot hinder it," but he had quite forgotten Buckingham.

The Marriage Contract had been duly read and signed, the factious nobility had been won over, the clergy were apparently reconciled, the Commons had been quieted by a summary adjournment, the Spanish Ambassadors had been flattered and feasted, and the powers across the Channel had been bribed or threatened into silence. Everything was now ready for the coming of the bridegroom. A large share of the work of making arrangements to fitly receive the future Queen of England was committed to Secretary Calvert. Early in August, Conway, who was with the King and had caught the enthusiasm of his Master, wrote to Calvert, "if there be trust on earth, the Prince and the Infanta will be moving hither by the 28th; her household is preparing, 'therefore the word is Joy in Jerusalem, and peace in Sion, and haste, haste away the ships.'" Before Calvert had opportunity to haste away the ships, he was the recipient of another mark of favor from James. On the 7th of August he had petitioned the King that he be appointed a member of the Council of York. On the 11th the reply came back, saying, "the King grants at once Sec. Calvert's request to be one of the Council of York." Calvert began his work of making final preparations with the greatest zeal. Numerous correspondence was entered into, bonfires ordered to be kindled, sumptuous banquets were prepared, ships for escort duty were refitted, and public entertainments provided for on a large scale.

While Calvert is busily engaged in preparing for the coming of the bridal couple from Spain, we will take a more searching view of the actions of the Secretary, and endeavor to fathom his motives and guiding principles. He has received a due measure of censure for the leading part he took in a political transaction so hostile to the national feeling, and he has met the hard fate of being severely ignored by English historians. Not only has he been accused of willingly opening wide the door whereby a great train of evils would be brought into England, but he has been charged with sacrificing the national welfare to secure his own selfish ends and to gratify the ambitious projects of his newly made religious confréres. Bishop Goodman wrote many years ago: "the third man who was thought to gain by the Spanish Match was Secretary Calvert; and as he was the only secretary employed in the Spanish Match, so undoubtedly he did what good offices he could therein for religion's sake, being infinitely addicted to the Roman Catholic faith, having been converted thereunto by Count Gondomar and Count Arundel, whose daughter Secretary Calvert's son had married." If Calvert's oldest son, Cecilius, did marry Lady Arundel at the time of the Spanish negotiations then some excellent authorities have made some amazing errors. According to Kennedy, Cecilius Calvert, in 1623, was but 17 years old, and

according to Neill, in "Terra Mariae," Anne Arundel, in this year, was but eight years old. Such youthful marriages are certainly not usual in England. Count Gondomar had left England and was in Spain fully a year before the reading of the Marriage Contract. If Secretary Calvert was at this time "infinitely addicted to the Roman Catholic faith," there is a considerable lack of sincerity in his subsequent letters, and his conversion does no honor to the Church. During the negotiations Calvert remained a Protestant, and only became a Catholic when the Spanish Match was entirely set aside; but his religious opinions, like those of many contemporary statesmen, were not particularly strong. It was only when his cherished projects had been scattered to the winds that his religious creed became crystallized and took a permanent form.

Calvert, and Lord Keeper Williams, were close allies in the Spanish negotiations, and held opinions in common. A letter of Williams, of September, 1622, to the Earl of Arran will indicate the views of one of the ministers of James, who clung to the Spanish Match to the very last. He writes: "as to the offence taken by many, both in England and Scotland, at the King's release of recusants, the common people are unable to penetrate the action of Kings. Is no favourer of Popery, but thinks this step proper, because his Majesty could not hope to mediate successfully for

distressed Protestants in France, Germany, &c., whilst he was vigorous with Papists in England. No toleration for the future is intended, and those freed are only released on recognizances, and will be remanded if they presume on their privilege. Favour to Papists implies no favour to Popery; the King has always, by example, writing and legislation, proved himself a true Protestant." At the time this was written, not one of the Privy Council, including Buckingham, was opposed to the Match. There is a strain of jubilancy in the letter written in January, 1623, by Calvert to Mr. George Gage, English Agent at Rome, but the last clause would indicate that he was more concerned in the success of the Match than he was in the amelioration of the Catholics. He says: "His Majesty and the Prince have signed all the Articles sent by the Earl of Bristol [from Madrid] and have written to the King of Spain engaging to observe *verbatim* the last article which promises full toleration of Roman Catholics. Mr. S. Digby has returned from Germany, and will be sent to-morrow to Spain. Sends a token to *Aristides* which he hopes he deserves. He will probably be found at Alexandria. *Aeneas* again recommends secrecy and that the letter shall not be delivered to Father Maestro, till there is certainty of success."

A letter written by Secretary Calvert to Conway, August 2, 1623, a little over a week after

the reading of the Marriage Treaty by him in the Royal Chapel, and on the eve of the expected arrival of the Infanta, does not portray him as an enthusiastic Catholic. Calvert writes: "there is a little dispute about the mode of the pardon to Catholics. It was devised to include release from all past fines, forfeitures, treasons, felonies, praemunire, &c., wherewith they were charged on ground of religion, and freedom from future molestation. The Ambassadors object to the pardon, as inviting the necessity of persons discovering themselves by applying for it, and as being expensive for the poor and request a Proclamation of Grace to Catholics instead." Calvert opposed the demands of the Ambassadors, but finally concludes, "were it not for the noise which a Proclamation would make, should advise it, as it would be only a suspension, and the fines could be reclaimed with arrears if councils changed."

There can be no doubt that Gondomar's diplomatic tact did prevail upon the Secretary, and that he made more concessions to the Catholics, in remembrance of his gracious demeanor, than he would have been willing to make to a less skillful diplomatist. Gondomar is described as "endowed with a clear understanding—a rich vein of festive humour—a talent of adroit flattery—and that apparent frankness of manner which serves as the best disguise for artifice;" like the Florentine Tito

Melema, the Spanish Ambassador's face "wore that bland liveliness" which marks the popular companion. In his dealings with the Marquis Inijosa, the colleague of Gondomar, Calvert was not so fortunate; the arbitrary Spaniard greatly exasperated the otherwise affable Secretary. In a letter to Conway, Secretary Calvert calls the Marquis Inijosa "twenty devils," for "suggesting fresh doubts about the principle business;" soon afterwards he writes, "the difficulties with the Marquis [Inijosa] are at last over. Hopes an end of these hourly vexations." Calvert could not fail to recognize that the Catholics of England were British subjects, and he was willing to make some concessions to relieve them of the penal enactments against them, but he took this course simply as a political measure. James, no doubt, had some cranky notions about statecraft, but in his leniency towards the Catholics he was not altogether in the wrong; in his letter to the Commons he had declared that he was "willing to take all due care of religion, but the means must be left to himself; will not kindle a war of religion through the world, and by hot persecutions of recusants provoke foreign Princes to persecution of Protestants." The King's conciliatory policy may not have been the proper thing at the time; possibly if he had been willing to lend assistance in the war on the continent, he might have no occasion to fear the armies

of Spain or of Germany nor the policy of their sovereigns, but it did not suit his plans to break with Spain, and Secretary Calvert, as an adviser, did not see his way clear to a solution of the difficulty save by strengthening the ties binding England to Spain. Whatever judgment may be passed upon the political wisdom of Calvert, he was sincere in advising the Spanish alliance, thinking it would secure the general good of the English people. It was not Spanish gold nor papal allegiance that dictated Calvert's policy; he was no trickster, no propagandist, no mere courtier; his political measures were well conceived and ably administered; their failure indicated his inability to cope against the current of a strong popular opinion, and he resigned his office.

While Calvert was actively engaged in constructing his "Chateaux d'Espagne," and confidently awaiting the arrival of Charles and his bride, a number of anti-Catholics were strenuously endeavoring to demolish his cherished plans; even his former co-laborer, Cranfield, now Lord Treasurer, devoted as he was to the Spanish party, could not restrain an occasional murmer of discontent; he had written to Conway that he was "sick at heart with the idea of these extraordinary charges, when the King is so ill able to meet his ordinary expenses. Cannot hold out unless some extraordinary supply be thought of, or some large

sums come in from Spain;" but as Bristol had written that the Spanish bride would bring as a dowry not less than £500,000, the Lord Treasurer remained fast in his allegiance to the Match. Calvert had had a warm supporter in the queen, and even after her death, her influence was felt, but nearly all the clergy and the great mass of the people utterly repudiated the Match, and denounced it bitterly, but their demonstrations were in vain. But what could not be accomplished by the people was effectually and completely done by one man, and that man was Buckingham. James had exclaimed concerning the match, "now all the devils in hell cannot hinder it," but his favorite courtier, by a bold stroke, stopped the negotiations in Spain, utterly demoralized Bristol, and returning suddenly to England he threw into hopeless confusion the well-conceived and almost successful plans of the Secretary.

The bridegroom had come, but at an hour and in a manner that Calvert had not anticipated; instead of returning as the dignified brother-in-law of the dreaded King of Spain, he came as he went, the truant Tom Smith, the gay knight-errant. Calvert immediately saw the difficulties of his position, though he did no despair; there was a strong probability that James, for once, would repudiate the conduct of the great favorite, but the dream was delusive. With all his boldness and reckless-

ness, Buckingham was far-sighted and cunning; he saw more deeply into the hearts of the English people than did Calvert, and he felt that he could so work upon James, through the Parliament, that the leaders of the Spanish party would be driven from the field. His wounded pride and his erratic temperament hurried him from Spain, in October; his self-interest and love of popularity led him, on his arrival, to immediately repudiate the Spanish alliance. The ringing of bells and the glow of innumerable bonfires, assured him of the joy of the Londoners that the Infanta was left behind; he well knew that King James was building great hopes upon the arrival of the Spanish galleons, laden with the dowry of his daughter-in-law, but he was fully prepared to prove the actual "penurie and prowde beggarie" of Spain.

The merry bells and the bright fires which welcomed Charles brought no joy to Calvert; in the one he heard the death-knell of his political services, and in the other he saw his cherished plans crumbling to ashes. His only hope was exceedingly forlorn, but he would at least make the attempt to rally the powerful leaders of the Spanish party, and, by their united effort, overcome the influence of the favorite and once again renew the negotiations with Spain.

Calvert's star had reached the zenith and was now slowly but surely setting; he could consist-

ently remain in office so long as the Prince remained unmarried, but negotiations for some other bride would only bring an end to his political career; he therefore was guided henceforth not only by a desire to serve his King, but by the additional motive of preserving his own influence in the Council and at Court. He felt conscious that Buckingham could not easily set aside the solemn treaty entered into by the King and his entire Council; he also knew that the fear of a war with Spain would keep the conservative members to their pledged word.

By promises of advancement and by threats of dismissal, Buckingham managed to gain the active coöperation of some of the Councillors and to weaken the strength of the opposition by winning over to a neutral position a number of others, and so leaving the supporters of the Spanish alliance in a minority. An entry in the English Calendars of January 31, 1624, reads: "the King is still in Newmarket, but the Prince has returned to town. The juncto for foreign affairs sit closely upon the Match. The Lord Keeper [Williams], Treasurer [Middlesex], Marshal [Arundel], Weston and Sec. Calvert are for it; Duke of Richmond, Hamilton, Lord Chamberlain Pembroke and Belfast, neuter; Buckingham, Carlisle and Conway, against it. The Prince seems very averse to it, both on grounds of state and religion, and this changed some of the

neuters; but the Lord Chamberlain said he saw not how the King or those who swore to the treaty could fall away, if the Spaniards perform their part. This was done from pique against Buckingham, whose entire engrossing of the Prince's favour, as well as the King's, causes some heart-burning in many who aim to take him down; so he keeps close to his Majesty and prevents all access to him." An entry by another writer of the same time, says: "the Juncto for foreign affairs sat hard all that week;" it corroborates the above entry in asserting that five councillors stood for the Match, three against it and four were indifferent.

In despair of forcing his policy upon James, Buckingham determined to lay the matter before Parliament and so secure his ends; the King fell into the trap of the wily courtier and summoned the Parliament of 1624, ostensibly to extricate his daughter, the Queen of Bohemia, from her deplorable plight, and to restore her and her husband to the Rhenish Palatinate. The adherents of the Spanish Match were totally opposed to the summoning of the Parliament, knowing that a war with Spain would be immediately resolved. Gardiner says, "of the nine who had originally voted against Buckingham, five, Calvert, Weston, Arundel, Williams and Middlesex, had already declared against the summoning of a Parliament, and were all for various reasons the advocates of peace."

The Secretary had forfeited his popularity in Yorkshire, and his old rival, Savile, was returned from this county; but he had raised up friends elsewhere. He was elected, together with Sir Isaac Wake, by the University of Oxford to be its representative in the newly-summoned Parliament. This old seat of learning was represented in Parliament for the first time in 1603, the year of the accession of James; it was devoted to the interests of the Court Party, and, in succeeding years, was a staunch supporter of the unfortunate Charles; it was very reassuring to Calvert to be elected its delegate to the national council. The Parliament of 1624 met on February 19; some of the old leaders were absent, but their loss was more than compensated by the younger, more vigorous leaders who succeeded them. It did not take a long time for the Secretary to see that Buckingham's influence in the Commons was almost as strong, on account of unity of ends in view, as it had been in the Council. Calvert felt that the country was gradually being drawn to an open rupture with Spain and to an abrupt ending of his scheme of foreign policy; he saw his influence was waning and he took a very secondary part in the proceedings; he had lost the gayety of the past year and was grave and silent; quite frequently he absented himself from Parliament on the plea of sickness. In April, the Subsidy Bill, which had

already provoked some warm discussions, was again introduced; the members, probably looking defiantly at the disconcerted Calvert, complained of the misuse of previous subsidies, and that the "subsidy bill came on winged feet and bills of grace on leaden ones;" there was a general outcry for a definite and final break with Spain, the members complaining that the declaration of the dissolution of the Spanish treaty "was only by word of mouth and should be made and inserted in the body of the bill." Calvert felt that he should express himself, and, according to an eye-witness, he rose and "after a grave preamble, arguing that the making or dissolving of foreign treaties belongs to the royal prerogative alone,—inconsistently proposed that the declaration should be at the beginning of the body of the bill."

When the subject of the Newfoundland fisheries was again introduced, the personal sympathies of Calvert were again enlisted and he felt constrained to reiterate his views as previously expressed in the Parliament of 1621; he argued that unlimited free fishing upon the shores and banks of the island would interfere with the prosperity of the plantations and tend to their destruction, and that the unrestrained license to all fishermen to cut down the timber near the settlements would seriously interfere with the planters; the speaker was aware of the truth of his arguments for he was in con-

stant receipt of letters from Avalon detailing the ravages of the piratical fishermen, but he was scarcely conscious that centuries after his times, the Newfoundland fisheries would lead to serious international complications. Notwithstanding all the force of his arguments the bill to allow free fishing, etc., was adopted.

Calvert was not only chagrined at the sudden turn of events in regard to the Spanish alliance, but he had occasion to fear the Commons' anger as well as that of Buckingham; but the personal attachment of the King doubtless saved him from summary disgrace. In a letter to Conway he says that he "is prevented by illness from attending regularly himself" at Parliament; but doubtless his illness was that of a mind troubled and in alarm. After the favorite had secured the friendly coöperation of the Commons by his adroit flattery and diplomatic subserviency, he laid his plans to crush the leaders of the Spanish party; Gardiner says that "Williams and Weston had convinced their patron that they would be ready to carry out his wishes," and they were spared. The former associate of Calvert in the Treasury Commission, Cranfield, Earl of Middlesex, received the full measure of Buckingham's spleen; he had done his best to prevent a rupture with Spain and continued to urge a peaceful policy; this was enough for Buckingham. He was impeached for corrupt prac-

tices, heavily fined and dismissed from office; Gardiner says that as Lord Treasurer, Middlesex "had done more than any other man to rescue the finances from disorder. He was a careful guardian of the public purse." The King feeling the pangs of an incurable sickness, looked upon the doings of the Prince and the Duke in utter helplessness, but he gave a word of prophetic warning when he impatiently told them, "you will live to have your belly full of impeachments."

Calvert's position had now become decidedly uncomfortable; his foreign policy had been rejected; Buckingham was seeking his disgrace, the Prince regarded him with cold indifference, and even James, though he threw around him his protection, had become somewhat suspicious; the the Parliament was ready at a moment's notice to cause him to follow the fallen treasurer, Middlesex. A letter of April 24, 1624, declares that "Sec. Calvert is on ill terms with the King and Prince, and is called to account; amongst other things for detaining letters to Carleton, a year ago, at the request of the French Ambassador;" a groundless charge, but the mere fact that his official acts were viewed suspiciously by his master indicated to Calvert that a storm was brewing. One little incident will illustrate Archbishop Abbot's remark about Calvert—"a course was taken to rid him of all employments and negotiations." The Secretary

held in his possession a copy of the letter sent to the Pope to secure his approbation of the Spanish Match; Buckingham wanted this letter so as to use it as a model for another letter to the Pope in reference to the French marriage; the favorite called on Calvert and after artfully securing the letter, assured him that his request to serve the King upon the French negotiations would undoubtedly be granted. "If this be a lie," wrote the Duke to the King, "as I am sure it is, then you may begin to think with a little more study I may cry quittance." In making false promises to Calvert, the favorite said it was necessary "to tie him to secrecy." The Secretary saw that his only hope of basking in the Royal favor was to desert the Spanish party at once and to throw the weight of his influence in favor of an alliance with France; a number of the advocates of the Spanish Match had already gone over to the other side and not a few were wavering, ready to desert their old party at an opportune moment; the King was gradually forgetting his enthusiastic admiration for Spain, of the previous year, and was drawn into the policy of his shrewd favorite. In a letter of June, 1624, Dud. Carleton wrote: "the French Match and treaty rapidly proceeding. The King is almost as much in love with France as he was with Spain and is merry and jocund." But the Secretary refused to bend his knee in submission to Bucking-

ham, even to please his master; he scorned to play the part of the sycophant; he held on to his office, but with much heaviness of heart; the neglect he daily received grated harshly upon his proud spirit; the duplicity of Charles and the Duke, and the childish fickleness of the King filled him with gloom and disgust; refusing to desert his old principles, he had no alternative save dismissal or resignation; to avoid the disgrace of the former he decided to surrender the seals of his office.

The first reference to Calvert's desire to resign is contained in a letter dated April 4, 1624, soon after the assembling of Parliament; the extract reads: "Sec. Calvert is in ill health and talks of resigning the Secretaryship." Probably the Secretary was in ill health, but it was the illness that comes from mental unrest; in his Declaration to the Commons of March 25, 1624, James affirmed his willingness to annul the treaty with Spain and to cease negotiations on the Match. As the Secretary's illness and his speedy desire to resign his office followed so soon after the King's declaration, it is not improbable that the two events were intimately connected. A letter of April 6, reads: "Sec. Calvert is willing to resign his place upon reasonable terms;" a letter of May 3, is more definite; it says, "Proceedings relative to the proposal that Carleton should purchase the office of Sec. Calvert, who wishes to retire on account of ill health, if he could do so

without losing reputation and could part with his office advantageously. He would let Carleton have it for 6,000 l., though when he was made Secretary, Lord Hollis offered 8,000 l. and Sir John Suckling 7,000 l. It is but three years' purchase, the place being worth 2,000 l. a year." Calvert's hopes began to revive when he saw that his immmediate dismissal was not contemplated. When he recalled the unbounded influence of Buckingham and saw him coöperating with the Commons, his first impulse was to vacate his dangerous position and so avoid the fate of Middlesex. But the wrath of the favorite gradually melted away as he saw the quickening success of his French policy, and he felt that he could afford to deal less harshly with the self-willed, though courteous Secretary, particularly since James was still gracious to his old minister. A letter of June 1 reads: "Buckingham approves Sec. Calvert's proposals [to resign in favor of Carleton]. Advises him [Carleton] to come over to solicit it." Although it was whispered about at Court and was known to some of the Commons that Calvert was about to resign the Secretaryship, no one seems to have insinuated or even to have suspected that he had any leanings towards papacy. His willingness to resign was attributed to Buckingham's enmity and to the rout of the Spanish party. In a communication to the King, bearing date May 20, 1624, the Commons urge

him to take more aggressive measures against the popish recusants, the non-communicants and Catholic suspects. They give him a list of sixty names of suspected Catholics holding positions of official trust. Calvert's name is not included in the list, even though his partiality towards Catholic Spain had aroused much bitter animosity.

For some reason during the month of June, his hopes began to revive. He breathed more easily, thinking probably that Buckingham's hatred of Spain had spent itself. He watched very closely the outcome of the quarrel between the Duke and his avowed enemies. A letter of June 26, contains one item, as follows: "Secretary Calvert's proposal to resign is occasioned not by ill health, but by fear of being displaced; if the Earl of Bristol stands, he will not abandon office." The statement that his proposed resignation was not caused by ill health is true, but it is also true that at this time the health of the Secretary was shattered by nervous prostration and mental anxiety. Not long after this time he was in receipt of a letter from Strafford congratulating him upon his recovery from his late sickness. Calvert did wisely in watching what would be done with Digby, Earl of Bristol. As ambassador at the Court of Spain, this minister had worked zealously to consummate the marriage of Charles and the Infanta. He had quarrelled with Buckingham at Madrid, and, soon after the return

of the favorite, he was recalled home and his official course was declared to be unsatisfactory and a commission consisting of Calvert and Weston was appointed to consider his whole proceedings upon the Spanish Match and draw up a number of questions to be propounded to the Earl. The King, prompted by Buckingham, had appointed these ministers upon the investigating committee because "Calvert knows the whole of the Earl of Bristol's affairs and Weston is fit to direct the work." Weston, who had been one of the leaders of the Spanish party, had deserted his party and was in high favor with Buckingham. The Secretary was again in a dilemma. He could not refuse the appointment upon the commission without offending the King. He could not deal leniently with Bristol and hope to avoid the resentment of Buckingham, for the favorite was determined to humble the unflinching, courageous Ambassador; but to deal harshly with this sturdy advocate of the Spanish alliance would criminate himself. Unfortunately the report of the commission is not to be found, but whatever its contents, the fate of Bristol was sealed. He did not stand. He was dismissed from office and strictly commanded not to appear at Court.

The following extracts from contemporary letters will indicate the mental unrest of the Secretary, in fear of summary dismissal, unwilling to lose

reputation by resigning, and refusing to propitiate the favorite by repudiating his political principles and ministerial policy. Ambassador Carleton received a letter in August, 1624, stating, "Sec. Calvert droops and keeps out of way, and it is reported that the seals are taken from him." For several months Calvert kept out of the way, and nothing is heard of him until late in autumn. A letter of October 23, declares, "Sec. Calvert is resigning, and Coke, Master of Requests, related to Lord Brooke, is to succeed him." Another letter of November 23, states on good authority that "Calvert was reconciled to Buckingham, who had assured him that he should have the option of refusing any offer made for his place." Since there was no longer fear of dismissal, Calvert determined to hold on to his office a while longer, so as to dispose of it upon the most favorable terms. He intended immediately after leaving Court to hasten to Avalon and to carry with him as much available means as possible in order to promote the prosperity of the settlement. A letter of January 8, 1625, says: "Now those gain preferment whose parts agree best with the humour of the times. Sec. Calvert is dismissed, but not empty handed; and Sir John Coke who has lately married an alderman's widow, and therefore can give well, succeeds him." A letter of the ensuing week, January 16th, says with truth, "Sir Albert Morton is to

be Secretary in Calvert's place." Within a month Secretary Calvert did finally resign and surrender the seals of his office. In a letter dated February 12, 1625, we read: "Sir Albert Morton is at Newmarket, and is sworn in; Sec. Calvert giving him the seals for 6000l. and an Irish barony, either for himself, or any whom he likes to bestow it." Another letter of the same date from Thos. Locke to Ambassador Carleton supplements the above letter. It reads: "On the 9th [February] Sir Albert Morton had the seals delivered to him and was sworn Secretary. Sec. Calvert retains his place as Privy Councillor and is made Baron Baltimore in Ireland." It is not improbable that his resignation was hastened by his appointment on January 21, 1625 upon a commission to try recusants. In this appointment we may see the hand of Buckingham, who was anxious that the Secretaryship should be secured at once by one of his favorites, as the French business needed a strong, steady hand, such as Morton's, to guide it successfully. In his capacity as Secretary, Calvert was instructed, together with the other members of the commission, "to examine parties charged with errors in matters of faith, tending to schism against the established church, who refused to have their children baptized or allowed that ceremony to be performed by a Jesuit or popish priest or were guilty of any offense against the established

church." The instructions were aimed against Baptists, Catholics, and Puritans. In declining to serve upon this commission the Secretary could, with some appearance of truth, assure his old master, now on the verge of death, that the duties of the office were incompatible with his religious belief; and, with his royal approbation, he would retire into private life. As the latter part of James' life was rendered miserable by great suffering, it is probable he knew but little of the intrigues in the Privy Council. He remembered Calvert with affection and respected the change in his religious faith, and suffered him to resign with his approbation. Gardiner thus speaks of Calvert's resignation: "Calvert, who was secretly a convert to the church of Rome, and had long been anxious to escape from the entanglement of office, had laid his secretaryship at the Duke's feet, telling him plainly that he intended to live and die in the religion which he professed. Buckingham, who had spoken hard things of Calvert a few months before, was always inclined to deal gently with opposition of this submissive kind, and assured the Secretary that he would come to no harm by his avowal. He was therefore, allowed, according to the custom of the time, to bargain with his successor for 6000l. to be paid to him as the price of his withdrawal from office, and he was soon afterwards created Lord Baltimore in the Irish peer-

age."[1] Calvert thus was enabled to leave the Secretaryship without losing reputation and also not empty handed. The purchase of the Irish peerage was afterwards confirmed by the King and letters patent made out conferring the honor upon him and his heirs.

During the session of 1624, the House of Commons had made some attempts to coerce the King to dismiss his Catholic ministers. A petition was sent to him from the members with the request "that all papists should be removed from London and the court." The petition was, of course, passed by, for Buckingham's own wife and mother belonged to the Catholic faith. Not long afterwards parliament presented the King with a list of popish lords and knights, employed in the civil service, intimating that their dismissal would be exceedingly grateful to the people. Under these circumstances, when the House was protesting against the public employment of Roman Catholics, Calvert's public avowal to the King of his conversion to this faith, would deter the King from urging his continuance in office.

Abbot, Archbishop of Canterbury, who was secretly opposed to the Spanish Match, and yet

[1] Calvert's peerage title is found spelt in many ways in colonial records and correspondence; the most common spellings were: Baltimore, Baltamore, Baltemore, Balthamore, Balthamor, Balthamoer, Balthasermoer, Balthemor, Baltimoor, Balthimor, Balthus Moor. See General Index to "Documents Relating to the Colonial History of New York."

willingly put his signature to the Articles of Marriage and the Treaty with Spain, speaks of the resignation as follows: "Secretary Calvert hath never looked merrily since the Prince's coming out of Spain. It was thought that he was much interested in the Spanish affair. A course was taken to rid him of all employments and negotiations;" in this there is much truth, but he certainly spoke unadvisedly when he continued, "he apparently turned Papist, which he now professeth, this being the *third* time he hath been to blame that way." The Archbishop also asserted that the ex-secretary had bought a ship of 400 tons and was on the eve of visiting Newfoundland. Calvert did not visit the island until two and a half years after this time.

The *Sloane* Manuscripts contain the following passage among others in reference to Calvert: "In the yeare 1624 [1625 N. S.] he obtained a dismission of the King from his employment of Secretary of State, though with some difficulty, his Majestie haveing a particulaire affection to him by reason of his great abilities and integrity. And though he had then declared himselfe a Roman Catholique, ordered him to be continued a Privie Councillor, and created him Lord Baltemore of Baltemore in Ireland."

James had been very prodigal of titles to the Irish peerage. When he ascended the throne in

1603, there were not over five or six Irish earls and not over twenty viscounts, and barons, but before the close of his reign the number had increased three-fold.[1]

Calvert was the last, save one, raised to the Irish peerage during this period. His title of "Baron Baltimore, of Baltimore, co. Longford, Ireland," was received February 16, 1625, only a few weeks before the death of his old master, James I. It is stated in the Sloane MSS. that "King Charles desired his Lordship to be continued a Privy Councillor to him, resolving to dispense with his takeing the oath of supremacy, but at his request he gave him leave at length to retire from Court." Within a fortnight after his elevation to the peerage, Calvert left the scenes of his political triumphs and failures, and desiring to visit again friends and relatives in Yorkshire, went north in company with Sir Toby Matthew, an old school-mate. This friend of Calvert's is described by Surtey as the oldest son of Tobias Matthew, bishop of Durham, who died in 1628. The son had become a Jesuit during his father's lifetime. He was knighted by James for his zeal in the Spanish Match, being sent upon some important missions. He is described as a

[1] The total number of peerages conferred by King James amounted to 226; of these 60 were Irish, divided as follows: 9 earls, 18 viscounts, 33 barons. Nichols: Progresses, etc., of King James (preface).

deep, intriguing politician and a secret agent in the service of Rome. According to the Aspinwall papers, it was Matthew who succeeded in converting Calvert to Roman Catholicism. In after years we find him in receipt of letters from friends in the newly planted colony of Maryland [*vide* Streeter papers]. It is not improbable that Calvert, now Lord Baltimore, left London so soon after his resignation of the Secretaryship in order to be present at the wedding festivities of his old friend and ally, Wentworth, who was married to his second wife, Lady Clare, on February 24, 1625. On the death of this noble woman, six years later, Calvert wrote Wentworth a long letter full of Christian sympathy and condolence.

It was rumored at the time of his resignation that Calvert was extremely anxious to visit his plantation at Avalon, but was stayed by King Charles, who probably felt that he could well employ the talents of his father's faithful minister in diplomatic services. He decided, however, to leave England temporarily and to repair to his estates in Ireland, which needed his personal care, and there were also political reasons. In view of the rumored early marriage of Charles to the French Princess, Calvert felt it would be inexpedient for him to remain at Court when he was universally known to be out of sympathy with the administration and as strongly in favor

of the Spanish alliance as ever before. He felt that his temporary absence was a political necessity and that his Sovereign would well appreciate his motives in retiring into private life. Had the ex-secretary's conduct in retiring from office and from the Court been followed by other great ministers, there might have been no Civil War in England. Whatever Calvert's personal virtues may have been, his political wisdom is commendable in laying down his office and retiring when he felt he no longer had the King's confidence, and saw his administrative policy rejected.

The personal regard of King Charles for his fallen minister continued undiminished. He respected his virtues if he could not endorse his administration. In a letter of May 29, 1625, to the Lord Deputy of Ireland, the King thus speaks of Calvert: "Right trusty and well-beloved cousin and counsellor, we greet you well: whereas our right trusty and well-beloved, the Lord Baltimore, hath acquainted us with his purpose to repair into that Kingdom [Ireland] to reside there for some time; being an eminent person and a nobleman of that Kingdom, we have thought good by these our gracious letters to recommend him to your special favor, requiring you not only to give him all lawful assistance and good expedition on such occasions as he shall have there, but also to respect him according to his quality and degree, and as

one who is parted from us with our princely approbation and in our good grace."

It is not known where Calvert lived in Ireland nor what occupied his time during his residence there. He was granted certain lands in Longford county; but he purchased some lands in Wexford county. Whether he devoted his entire time to the care of his estates, or received an official appointment from the Lord Deputy of the island, it is now impossible to say. It is not improbable that he declined to accept a position in the administration of Ireland, but that he devoted himself entirely to the improvement of his landed property and to the directing of his settlements in the New World, though at the same time holding himself in readiness for any summons to England, both in order to reinstate himself at Court, and to testify his gratitude to the King for the favors he had received. The manor of Baltimore lay in Longford county, but Calvert had probably other estates in Ireland since he was a long time officially connected with this country, and at this time real property was selling there at a low figure. There is some reason for believing that, when sent a Commissioner to examine into the affairs of Wexford county in 1613, he made purchases of land there, for much of that region had been deserted. Brereton, in his book of Travels (1634), makes a statement as follows:

"We left Carnue about seven hour, and went thence into the county of Wexford to Claghaman [Clohamon] my Lord of Baltamoare's town, where he hath a brave house, but of no great strength, nor built castle-wise. . . . This town is seated upon the bank of the river Slane" [Slaney].

The grant of land in Longford county, Ireland, received by Calvert February 18, 1621, contained 2304 acres, comprising certain town and other lands. At the time the land was first received he obtained no special privileges nor manorial rights, but he held it subject to certain conditions or instructions. These instructions obligated the patentees "not to sell to Roman Catholics of any nation, and to require all settlers to take the oath of supremacy and be conformable in point of religion." As Calvert was a professed Protestant and had signified his allegiance by taking, in common with other members of the Commons, the Lord's Supper according to the prescribed method of the Established Church, the terms of the grant were not onerous. But as he had made an open profession of his conversion to Catholicism, when he resigned the Secretaryship, he could not legally hold his Irish estates as originally granted, and so, on February 12, 1625, immediately after his retirement from office, he surrendered the patent, and on March 11th ensuing he received back the patent with the religious clause struck out and other claims inserted

make overtures to Spain and to seek an alliance with that country against France. He looked around for some of the old leaders of the Spanish party — some had been so crushed that they could not be withdrawn from their retirement, but the favorite remembered one of the leaders of the opposition who had left England for a time accompanied by the royal grace and approbation, and despatches were immediately sent to Calvert summoning him to Court on important business. The ex-secretary's time had come. The wisdom of his foreign policy was at last acknowledged, and it was with a feeling of much gratification that he left his quiet home in Ireland and hastened to England, again to take part in the councils of the nation. He reached the English Court in March, 1627. Calvert was very graciously received by both the King and the Duke and was directed to hold himself in readiness to go on an embassy to Brussels to secure the coöperation of the Archduchess to a treaty between Spain and England. It was rumored his colleagues would be the Earl of Salisbury, Sir Richard Weston and Sir Humphrey May. Buckingham was at loss what was the best thing to do at the present, so "taking Baltimore with him, he went to Newmarket and invited all the Privy Councillors on the spot to discuss the matter in the King's presence;" but

while the English Council was engaged in discussion the Cardinal Richelieu had promptly negotiated an engagement "between France and Spain for common action against England." Calvert remained in England, at a place called Savage, until the last week of the month of May. He had tired of the Court life as directed by the rash and irresponsible favorite and longed to get away from the entanglements of State. After much entreaty, he finally received royal permission to visit the plantation at Avalon, "a place," he writes to Wentworth, "which I have had a long desire to visit and have now the opportunity and leave to do it."

III.

Interest in Trading Companies, in Colonization. His Death.

Calvert's interest in companies organized for trade and in the planting of colonies had been awakened very early in his official career. It is not improbable that his attention had been drawn to the subject by the active part taken in trading companies by the Cecils, in whose employ he had passed many years of service. His interest in these companies was strengthened by the active part taken in such enterprises by all the prominent men of

the times. In the reigns of Elizabeth and James began that great exodus of adventurers and emigrants from all parts of Europe, towards all points of the compass, to seek fortunes and new homes in the new found lands daily discovered and explored. From the east and the west, from the north and the south, came stories, reports and rumors of countries peopled by strange tribes, living in luxuriant idleness upon the bountiful productions of nature, dwelling in abodes fitted up in barbaric splendor and worshipping in temples filled with thank-offerings of precious things. Then came confused but glowing accounts of waters swarming with myriads of fish, great and small, of immense forests of trees and shrubbery valuable for medicinal and domestic uses, of valleys filled with rare spices and fruits, of thickets roamed over by large and small animals most valuable for food and raiment, of mines and streams glittering with precious metals and bright gems. Corroborative evidence was found in the arrival of Spanish galleons from America, filled with gold and jewels; of Dutch vessels from the East burdened with aromatic plants and beautiful fabrics. The lethargy of past times in England was suddenly rolled away and all classes were roused to activity. The hope of gain and the desire for adventure quickly overcame the superstition and indifference of former days. Companies were organized for trade,

for privateering, and for stimulating emigration. Books were circulated, sermons preached, addresses delivered, lauding some particular phase of the new activity. Sailors and adventurers were hurrying away and emigrants were bidding daily farewells to the old island. The sea was scoured in all directions, merchantmen were plundered, naval duels were of frequent occurrence, piracy and privateering were winked at, the buccaneer and the freebooter plied their nefarious trade. The club rooms and coffee houses of England were daily engaged discussing the exploits of Hawkins, of Drake, Frobisher, Raleigh, John Smith. Though Da Gama had landed at Calicut in 1498, and in the same year Cabot had touched at Labrador, yet two generations were allowed to pass by before the English people had fully realized the importance of the great maritime discoveries. Not until the reign of Elizabeth did the English become the rivals and successors of the French and the Spaniards in the acquisition of territory across the great waters.[1] It was not until the end of her reign that the importance of the East as a centre of commer-

[1] Referring to the beginnings of James's reign (1605), Ploetz says: "In North America, a few scattered Spanish settlements in the south and one French colony in the north were the only representatives of European civilization. The next few years witnessed a mighty change. England, which for all her voyages had not a foot of land in America, entered on a course of settlement and conquest."—Ploetz: Epitome of Universal History, p. 291.

cial operations dawned upon the English merchants, and King James was seated upon the English throne before the English trading and colonizing companies were fairly under way. In the very flood tide of the new activity, Calvert, a young man ambitious for fame and wealth, had taken up his residence, as an officer of the government, in the great commercial city of London.

In the year 1600 was established the greatest of English commercial enterprises, the English East India Company. It began at once to send out vessels and adventurers to the Indies and China, to erect trading posts, and to bring back the new and valuable products of Asia. Other companies were rapidly organized to colonize the unoccupied territory of the New World, to bring back its productions, and to make deeper explorations into the great rivers and bays extending inland from the Atlantic seaboard. The hope had long been indulged that a Northwest passage would secure a short and safe route to the Indies, and attempts had been made to discover these hidden waters by scouring the inlets of the ocean lying on both sides of the great island of Newfoundland. It was predicted by enthusiastic sea captains that as soon as the Northwest passage was revealed, Newfoundland itself would become a great naval station in the route to India. Its advantageous commercial location together with the abundance of its fisheries,

had exaggerated the importance of the island, and many of England's shrewdest statesmen began to invest largely in Newfoundland trading companies. For many years it was the only territory in America whose possession had been contested by the great nations of Europe. The French adventurers had established fisheries there as early as the year 1506, but for an entire century, owing to the large number of claimants, it had remained a veritable no-man's land. The Spanish, Dutch, French and English were represented in its waters by squadrons of fishing vessels, but the ownership of its shores had shifted from season to season, the temporary authority being lodged in the strongest party.

At the time Calvert began his maritime ventures, the English claims upon Newfoundland, if not recognized, were not generally disputed. He could therefore prosecute his adventures there without undue fear of foreign interference. He received a grant of a portion of the island some time in the year 1620. Captain Whitbourne, writing in 1622, had said, Calvert "hath already most worthily sent thither in these last two years a great number, with all means for their livelihood, and they are building houses, clearing off land and making salt." The plantation had been purchased by him from Sir William Vaughan, a fellow student at Oxford. Although at this period engrossed

in duties at Court, Calvert found time to keep well informed of his economic investment in Newfoundland and to adopt the best means to guarantee the prosperity of the colony. According to Streeter, in May, 1622, John Hickson, an experienced salt-maker, was sent to the settlement by Calvert and also the Rev. Richard James, a clergyman of the Established Church.

Captain Wynne, the governor of the colony, sent numerous letters to Calvert, stating in detail the growth and needs of the colony; these letters enable us to see the place as Calvert saw it previous to his visit there in 1627. In a letter bearing the date July 28, 1622, Captain Wynne writes: "It may please your honour, that, as soone as I had delivered my last letters of the 5th of September, I immediately addressed myselfe onely to businesse." "Nothwithstanding our diligent labour and extraordinary pains-taking, it was All-hallowtide before our first range of buildings was fitted for an habitable being. After Christmas we employed our selves in the woods, especially in hard weather, whence wee got home as many board-stocks as afforded us two hundred boards and about two hundred timber trees besides. Wee got home as many trees as served to palisado into the Plantation about four acres of ground for the keeping off of both man and beast, with post and rail seven foot high, sharpened in the top, the trees being pitched

upright and fastened with spikes and nayles. Wee got also together as much firewood as will serve us yet these two moneths. Wee also fitted much garden ground for seed. I mean barley, oates, pease and beanes. For addition of building, wee have at this present a parlour of fourteen foot besides the chimney and twelve foot broad, of convenient height and a lodging chamber over it; to each a chimney of stone work, with stairs and a stair case; besides a tenement of two rooms, or a story and a half, which serves for a store house, till we are otherwise provided. The forge has been finished these five weeks, the salt-worke is now almost ready." Other letters followed giving fuller accounts of the settlement and describing in attractive terms the gardens, pasturage, the timber-land and the fisheries.[1] "The vines that came from Plymouth doe prosper very well;" he asserts "anything that grows in England will grow well here." The governor concludes one of his encouraging letters with a request for more able-bodied emigrants, those who are strong and healthy and can endure the climate and who will promote the prosperity of the settlement. He specially requests "six masons, four carpenters, two or three good quarrymen, a slater or two, a lime burner and lime, a

[1]The first Act of the English Parliament relating to America regulated the fisheries of Newfoundland. (2 Edw. VI, Anno 1548.) Ploetz: Epitome of Univ. Hist., p. 288.

good quantity of laths, a couple of strong maids, that, besides other work, can brew and bake, also wheels, hemp and flax, and a sufficient number of West country labourers to fit the ground for the plough;" he wishes no more boys or girls sent over, since they cannot well endure the hard work; more ammunition is required, also some ordnance and a gunner to have charge of the gun in the fort overlooking the harbor.

At the time Calvert was receiving from his governor such favorable reports from his Newfoundland plantation, a thrill of horror and indignation passed through Europe upon the reception of the news detailing the bloody Indian massacres in Virginia. The year 1622 was long remembered by the settlers along the James, who escaped the Indian butcheries. Sir George may have well flattered himself upon his wisdom in selecting Ferryland, instead of Jamestown, as the scene of his economic enterprises, but he could not foresee that in less than a decade the plantation at Avalon, begun so auspiciously, would prove a miserable failure, while the undertaking in Virginia, though sown in blood and watered with tears, would continue to increase in prosperity until it had become the England of the New World.

In December, 1622, Calvert received a grant of the entire island of Newfoundland. The State

Paper entry reads simply, "grant to Sir George Calvert and his heirs of the whole country of Newfoundland." This large territory was held only a few months, for on March 30, 1623, a re-grant was made "with alteration and addition of some particular points, for better encouraging that plantation." He recognized that a large territory remote from the home country could not be well governed unless more power was entrusted to the governor, and acting upon the suggestion of Capt. Wynne, he applied for and obtained the Charter of Avalon, dated April, 1623. The Charter of Avalon has been described as "one of the earliest instruments prepared as the basis of social, civil and religious organization of English colonists on the North American Coast." It was received by Calvert just forty years after Sir Humphrey Gilbert had landed on the shores of Newfoundland with the charter he had received from Queen Elizabeth. Gilbert proclaimed his authority, published his charter, and demanded of each settler wood and water as a token of fealty and allegiance, but his authority was only administrative. It was revocable at the Queen's pleasure, but by the terms of the Charter of Avalon, Calvert received royal jurisdiction, enjoying many privileges belonging in England only to the royal prerogative. In his limited territory he was made as supreme in taxation, the making of laws, the

holding of courts, etc., as the Bishop of Durham, the Earl of Chester, or even as the King of England. Holding his domain by feudal tenure, by Knight's service, Calvert must recognize King James as his over-lord, his suzerain. After an analysis of previous charters and grants, Streeter comes to the following conclusion: "I find the patent of Avalon, to be, in the main, but a repetition of the provisions which had been previously made in the charters granted to Gilbert, Raleigh, Alexander and the several companies of adventurers for Newfoundland, Virginia and Plymouth, modified somewhat to conform to the position he assumed as absolute Lord and Proprietary."

It is not known whether the name of "Avalon" was first given to his province in Newfoundland by Calvert himself. In his letters from the island he usually dates them from "Ferryland." As soon as he had secured the Charter he took steps to make its attractiveness, as a colony adapted to emigrants, known in various parts of England. A request had been sent by the members of the Privy Council, including Calvert, to the Archbishops of Canterbury and York desiring them to use their influence in securing emigrants for the Newfoundland settlements, including Avalon. Their Graces willingly acceded to the request and gave a flattering endorsement to Captain Whitbourne's book on Newfoundland, in

which the worthy Captain, who had travelled in many seas, gives a very graphic account of the beauty, salubrity, fertility and general excellence of the great island. The book was circulated through England about the time Calvert had received the re-grant and charter. Much of the Captain's book can only be compared, in its lively description, to the circulars and pamphlets of modern land companies, but there was a basis for his account in the wealth of the Newfoundland fisheries. In March, 1621, a commission consisting of Calvert, the Earl of Arundel and the Duke of Lennox, had submitted a report on Newfoundland in which it was stated that at least 300 ships were annually employed in the Newfoundland trade, and that not less than 10,000 British seamen were employed. The customs on imported goods amounted to £10,000 annually.

In August, 1623, Calvert wrote to Secretary Conway a letter expressing his indebtedness to a certain Captain Nutt, for "protecting the infant plantation in Newfoundland." Calvert has been much censured by Paxton Hood in his Life of Sir John Eliot (?), and by others, for his zeal in procuring a pardon for Nutt, on the ground that he was a pirate and that he was unworthy of Calvert's friendly mediation; whatever may have been his past career Nutt had proven himself a good subject by his energy in protecting English vessels

in foreign waters and especially upon the Newfoundland banks, and Calvert was indebted to him both personally and as an administrative officer of the English goverment.

During the succeeding three or four years Calvert seems to have taken less interest in the affairs of Newfoundland. He was extremely anxious to visit his plantation, but was prevented by his home duties. For some years he had been a member of the New England Company, and under the new patent issued in 1622, he became one of its Councillors. This was a place of honor and of importance and secured for him a large range of vision over discoveries and settlements in the New World. In the list of the eighteen Councillors of the company were the names of Buckingham, Earl of Arundel, Earl of Carlisle, Marquis of Hamilton, Duke of Lennox, Earl of Salisbury and others well known in Court circles. In July, 1624, one month after the old Virginia charter had been declared invalid, he was appointed to the important position of one of the quorum of the provisional council in England, constituted to exercise temporary government in Virginia until a new charter should be granted the company. These positions as Councillor in the two important English companies gave him a direct share in the management of almost the entire English settlements in America. It is not

known how long he retained these positions though it is not improbable that his profession of the Catholic religion in 1625, caused him to retire from them when he resigned his secretaryship.

Calvert did not visit his plantation at Avalon until the year 1627. In a letter, dated May 21, after he had been recalled to England and had been awaiting his commission to go on the embassy to Brussels, he informs Wentworth that he had finally received the royal consent to cross the ocean, and that he would soon have the pleasure of carrying out his long deferred desire of visiting Newfoundland. He promises to remain but a few months and to return not later than Michaelmas (middle of October). It is in this letter that the ex-Secretary warns his old colleague of the danger of wilfully opposing the Court, advises him to be cautious as he had strong enemies at Court, and to secure himself from imprisonment and disgrace by paying the forced loan levied by Charles. Before many months the ambitious Wentworth had become as thorough in his allegiance to the King as he now was in opposition. Calvert set sail for Avalon, June 7, 1627, accompanied by members of his family and two seminary priests. In the same month and year, Buckingham, "with a stately fleet of a hundred sail," embarked from England to relieve the Protestants of Rochelle. The expeditions of the two

friends, whose lives had run in parallel lines for many years, were directed to opposite shores of the ocean, and in each case ended in miserable failure; but the failure of Buckingham, at the isle of Rhé, led to intense resentment in England and to his ignominious death by an assassin; the failure of Calvert, in Newfoundland, was but the preface to enduring success on the shores of the Chesapeake.

The little fleet of Calvert arrived at Ferryland, Newfoundland, in the last week of July, 1627. The party could have remained but two months in the island, for it had returned to England in November. The first voyage of Calvert to Avalon had been merely for the purpose of inspecting the plantation and not to select a permanent residence there. In his letter to Wentworth he implies that he was going to put things in order, to secure the enforcement of laws, to reduce the expenses, and in general to endeavor by his personal presence to so order the affairs of the community that his expenditures during the previous six or seven years would prove more remunerative. It was neither the voyage of a missionary nor of an exile. Calvert spent the winter and spring of 1627–8 in his home in England. It is not improbable that his anxiety for the temporal welfare of his colony added to the feverish state of society in England may have finally induced

him to fix his permanent abode in the New World. There were stirring political events in England at this period. The failure of the expedition to Rhé in November, 1627, and the assassination of Buckingham by Felton soon afterwards profoundly disturbed the political horizon. Eliot, the zealous leader of the people, was daily increasing the number of his excited followers, and Wentworth was strengthening himself to defend the King and his party; and on the eve of the meeting of Parliament, summoned to assemble in the early part of 1628, the air was filled with the party cries of political and religious enthusiasts. Even in the household of the King, the French and the English, the Catholics and the Protestants were wrangling upon questions of jurisdiction and precedence. Calvert was not old in years, but he was weakened by bodily infirmities and he felt a longing to pass the remainder of his days beyond the pale of the troubles looming up in England. His days of usefulness were over, and his country having repudiated his services, he concluded he might as well spend the few years remaining to him in Newfoundland as in Ireland or England.

In the spring of 1628, Calvert's fleet could be seen the second time ploughing the Atlantic, en route for Avalon. The severity of the climate and the ruggedness of the country could not deter him. He had been a visitor to Newfoundland,

the previous year, during its most inviting season, the summer and early autumn. The flowers bloomed rapidly and the cereals gave fair prospects of an abundant harvest, the berries and fruits of various kinds gave promise of a large ingathering; but he had not penetrated beyond the margin of the shore, into the interior of the island and witnessed its desolation. Had his eyes rested upon the great sand-heaps broken only by huge boulders and rocky deposits, the steep hills covered with a scant vegetation and stunted trees, the long, narrow, treeless valleys leading into broad, sandy plains, incapable of tillage, he would not have been so eager to settle his family and friends at Avalon. The vicissitudes of the climate and the variableness of the soil had deceived him as it had deceived others. He arrived in Newfoundland, in his second voyage, in the early part of the summer of 1628. He had brought with him about two score persons, so that the entire colony was increased to not less than one hundred souls.

Calvert's prospects during the first few weeks of his residence upon the island seemed reasonably fair. He had a well-built house to live in and the peace of the colony was almost as good as he could have desired, but he soon began to meet with troubles from enemies from without. The French cruisers and pirates began to attack his vessels and even dared to seize his stores upon the land,

but he soon put a check upon their pillaging and finally drove them from the coast. In fact, Calvert was more successful out in the open waters than he was upon the mainland. He came to "sett and to sow," but he found it necessary to clear the waters of hostile craft before he could find peace in his colony, and in his new rôle of sea captain he was successful even beyond his expectations, for not only did he scatter the pirates and privateers, but he recaptured from the French a score of English vessels with their crews, and also succeeded in capturing a number of French prizes. With the aid of the Victory, a London war-ship, he made war upon and captured six French fishing vessels lying in the harbor of Trespaxès. These vessels were moored to Ferryland and guarded by the guns of the fort and subsequently were divided "man for man and ton for ton," between Calvert and the owners of the Victory. Upon the arrival of the prizes in England, the commander of the Victory objected to the previous equal division of the spoils and proceeded to appropriate more than his allotted share. This unjust distribution was objected to by Calvert's agents and the case went from one tribunal to another and was finally brought before the Privy Council for their adjudication. Their decision is not recorded, but Calvert evidently did not reap the spoils of victory. He appears to have had no letters

of marque and his actions were doubtless not in strict accordance with maritime usage. One of the vessels, however, the St. Claude, was loaned him by the government and is quite frequently mentioned in Calvert's correspondence.

The peace of mind of Calvert was ere long disturbed by some religious troubles which seemed to have been stirred up by a certain Erasmus Stourton, a Puritan, who was afterwards banished the colony for his misdeeds and insubordination. Upon the arrival of Stourton at Plymouth, England, in October, 1628, he laid charges against Calvert of fomenting religious difficulties at the settlement by the favoritism shown to the Catholic residents. As Stourton was a Puritan minister, and as Calvert was far away, the impression gained ground that the Protestant residents were not fairly treated at Avalon; but in whatever way the story reached the ears of the King, he did not think it a matter of much importance, for the request of Calvert for the loan of the St. Claude was readily granted.

It is not probable that the residence of Calvert upon the inhospitable island, removed from all the social amenities to which he had been accustomed in England and which were not even inaccessible in Ireland, was very congenial to his refined and sensitive nature. It certainly was a strange freak for a man occupying his station in

life and possessing his delicate health to banish himself from the scenes of his early associations and to prefer the troubled life at Avalon to the comparatively secluded life at the manor of Baltimore, or even at Kiplin. It is a plausible theory that he was led to remain abroad in order to found a religious asylum, but this theory is not sustained by good evidence. It is not improbable that he was urged forward in his economic enterprises by the persuasions of his sons, particularly Cecilius, his heir, who was now an energetic, ambitious young man of twenty-two or three. Calvert took occasion to relieve the tedium of colonial life by writing letters to friends in England. One letter is particularly interesting, written on August 23, 1628, to Buckingham, thanking him for his services in securing him his possessions at Avalon, "a wild part of the world," and relating his naval exploits. In a vein of humor he recalls some of the pleasant reminiscences of his old master, King James. But Buckingham did not receive the letter of the distant writer. At the time when Calvert was writing the letter, the hand of Felton was raised to strike to the ground the great favorite. The news of the awful death of Buckingham must have been very depressing to Calvert in his isolation.

As the rigors of the cold weather commenced to be felt, Calvert began to lose heart and recognized

that it would not be practicable for him to further prosecute his undertaking in such a cold climate. Although suffering with bodily infirmities, he refused to desert the colonists in their extremity and decided to brave the perils of the winter, even at the risk of his own health and safety. The winter of 1628–9 nearly crushed his spirit, for then he felt for the first time the intense severity of a Newfoundland winter, which from all accounts seems to have been unusually severe. The intense coldness, added to the want of proper food and shelter, caused at least one-half of the one hundred colonists to be laid upon beds of sickness. Even his own house was turned into a hospital, and because of his own illness, he was unable to minister personally to the wants of others. Nine or ten succumbed to the weather and disease, and perished. Spring had not dawned before he had determined to leave the cold, cheerless land, and, as soon as practicable, to seek a home in some better country. In his letter to the King, August 19, 1629, he said he had met with difficulties "no longer to be resisted." Both the land and the sea, he stated, are frozen over the greatest part of the winter season, lasting from October to May; he is forced, therefore, "to shift to some warmer climate of the New World, where the winters are shorter and less rigorous," and to commit his affairs at the plantation "to fisher-

men that are able to encounter storms and hard weather." Though his "strength is much decayed," he is determined to "proceed in plantations," and he therefore renews his request for a grant of land in Virginia, "with such privileges as King James granted him in Newfoundland," that is, that his privileges be secured by a charter, such as that of Avalon. He had already received a promise from the King that "he might have any part of that country [Virginia] not already granted." Calvert probably did not wait to receive an answer to his letter, for he set sail from Avalon in the early part of September, accompanied by his family and attendants, amounting in all to about forty persons. Those colonists who did not remain upon the island, returned to England. Calvert's vessel sailed directly for Virginia arriving at the mouth of the James in the early part of October, 1629.

In the year 1637, Cecilius Calvert, in a petition to the King, to secure him his possessions at Avalon, thus epitomizes the economic undertaking at Avalon: "His father, Sir Geo. Calvert, late Lord Baltimore, having purchased a good part of Newfoundland, obtained a grant from King James, and sent over divers colonies of the King's subjects to plant; where he built houses, erected forts, and placed Governors as Capt. Winne, Capt. Mason and Sir Art. Aston. His father afterwards resided there with his family; employed

his ships against the French, who then infested the place, and chased them from the coast. Has disbursed more than 20,000l. but was compelled about 6 years past, through the severity of the weather, to remove, leaving a governor with the colony." In his memorial of 1660, Cecilius puts the sum expended upon Avalon equal to 30,000 l.

George Calvert was evidently well pleased with the bright prospect that met his eyes in Virginia, even on the verge of winter; the large bay to his right stretching northwards to an indefinite extent, the great roads at the mouth of the rivers upon whose unruffled surface entire fleets could quietly anchor and the encircling shores covered with primeval forests, and the glittering white beach fringing the waters on all sides, gave him enlarged ideas of the beauty of the New World. The hospitable reception tendered him and his own, decided him to cast anchor upon the James and remain here until his plans were perfected, and possibly make it his permanent residence. At the time of Calvert's landing in Virginia about three thousand settlers were located at James' City and upon the neighboring plantations. Food was plentiful, the soil was fertile. Well-kept orchards and fine pasture lands offered a great contrast to the environments of his late home at Avalon, and probably brought to his remembrance the well-kept farms and manors of Mid-

dlesex and Yorkshire. The community seemed to be orderly and well governed and ample protection was secured against the Indians, who had long since been repaid for their bloody deeds of 1622. The Virginians were doubtless well pleased to receive among them such a warm friend of King Charles, to whom the colonists were attached, and one whose wealth and social standing would greatly add to the dignity of the colony, but all hopes of his permanent residence among them were in vain, so long as Calvert remained a Catholic. The Virginians could have omitted to tender him the oaths required of all settlers, or Calvert might have taken the oaths in view of his ill-health and the large number of persons entrusted to his care, but the one action would have been as illegal as the other would have been dishonorable. The difficulty could only be bridged over by the King. In the middle of November, Calvert was tendered the oaths of supremacy and allegiance, since by this time he had probably decided to remain, for a while at least, a resident at the settlement. The oath of allegiance he could take without difficulty, but in taking the oath of supremacy he must deny the spiritual supremacy of the Pope, and this he was not prepared to do.

In the instructions to Governor Yeardley, of Virginia, in 1624, he was directed "to administer the

oath of allegiance and supremacy to all such as come there with intention to plant and reside; which if any shall refuse, he is to be returned or shipped from thence." These instructions had been renewed to his successors, and were felt to be incumbent upon Dr. John Potts, the acting Governor, in the absence of Governor Harvey. Calvert, wishing to become a settler, agreed to take a modified form of the oath of supremacy, but this the council could not accept without instructions from the King. Accordingly they at once despatched a letter to Charles. In this letter the council state that "about the beginning of October last, there arrived in this colony the Lord Baltimore from his plantation in Newfoundland, with an intention, as we are informed, rather to plant himself to the southward than to settle here; although, since he has seemed well affected to this place, and willing to make his residence therein with his whole family, we were readily inclined to render to his Lordship all those respects which were due to the honor of his person, which might testify well with how much gladness we desire to receive and entertain him, as being of that eminence and degree whose presence and affection might give great advancement to the plantation." The letter states that the oaths were tendered him, and continues: "his Lordship offered to take the oath, a copy of which is included;

but, in true discharge of the trust imposed on us by his Majesty, we could not imagine that so much latitude was left for us to decline from the prescribed form, so strictly exacted."

It is not definitely known how long Calvert remained in Virginia. He could not become a *bone fide* resident and a member of the community, until a favorable answer was sent in reply to the letter of the Virginia council; according to Streeter, he left Virginia at the beginning of winter, arriving in England about the middle of January, 1630. If, however, the rowdy Tindall, who was pilloried in March, for insulting Calvert, was punished immediately after his rude behavior, Calvert must have remained until the middle of the spring of 1630. During his temporary residence he had ample time to ascertain the value for colonization of the unoccupied lands lying both to the north and the south of the Virginia settlements; but, notwithstanding the fair prospects of the land lying on both sides of the Chesapeake, he was more favorably inclined towards the warm lowlands stretching southward from the James, and now known as the Southside of Virginia. Had his free choice met with no opposition, it is not improbable that George Calvert would have become the founder of the Carolinas.

After an eventful career in the New World, lasting many months, after being driven by

nature's laws from Avalon, and by man's laws from Jamestown, Calvert found himself once again in England, in the summer of 1630. Notwithstanding his bitter experiences in America, the infirm state of his health, the warm greetings of his old friends, including Strafford, and the solicitous consideration of King Charles, Calvert persisted in preparing once more to cross the ocean and to make for himself a home in the American wilderness. King Charles was at a loss to understand the actions of his father's old servant and plainly told him that, "men of his condition and breeding are fitter for other employments than the framing of new plantations," and advised him to remain in England where he would "enjoy such respect as his former services and later endeavors justly deserve."

Calvert was in a dilemma. He had left Virginia expecting soon to return, but he dare not return in opposition to the King's will, and could not without forfeiting his good favor. So sure was he of returning that he had left behind him Lady Baltimore (his second wife) and members of his family. He had remained with the Virginians long enough to experience their generous hospitality towards visitors, and he knew his family, in his absence, would receive every kind attention. Constrained to remain at home, he immediately wrote to Secretary Dorchester, "pro-

cure me a letter from my lords of the Councell to the Governor of Virginia in favour of my wife, now there, that he would affoard her his best assistance upon her returne into England." In this letter he expressed his intention to remain in his native country the balance of his days. The St. Claude, the vessel loaned him by the government to bring over his family, made its way to America in safety, but on its return it was wrecked on the shores of England, and much valuable stuff was lost, though the passengers all escaped in safety.

Calvert took up his residence in London (his letters were dated from Lincoln's Inn Fields). He continued to enjoy the "princely approbation" of Charles and doubtless could have received some position of honor and emolument, since Spain and England were on friendly relations, but he found it impossible to forget the great tracts of unoccupied territory in America and urged his claims so well that he received from the King a large grant of land extending southward from the James as far as the River Chowan (Roanoke) and reaching from the Atlantic westwards to the mountains. This patent was signed in February, 1632. The grant of this territory was immediately opposed by members of the old Virginia Company, including Clayborne, who were influential at Court, and who had been

negotiating with Charles for a restitution of the Virginia grant, with the corporate and territorial rights formerly held by the Company. Calvert decided to return the grant of Carolana, rather than contest his rights with the strong Virginia party, and to accept in lieu the territory lying to the north of the James and south of the New England grants. He was successful in securing, without opposition from the Virginia Company, the grant of land now known as Maryland,[1] though it is not improbable that the new grant would have been stoutly contested by individuals, had they known of its progress through the Council, since many preferred to own allegiance to a corporation or to the King rather than to a subject.

During the two years he spent in England on his return and previous to his death, Calvert was engaged in other matters besides projecting colonies in the New World. He had not quite forgotten his old political instincts and closely watched the domestic and foreign policy of the government. By education and association an adherent of the Court party, he was a devoted admirer of the misguided Charles, even though he could not approve

[1] As the charter confirming the grant of Maryland did not pass the great seal of England until after the death of George Calvert, an analysis of its provisions, as the basis of the constitutional history of Maryland, belongs more appropriately to the biography of Cecilius, second Baron of Baltimore.

of all his doings. He felt impelled to enter the political arena once again, and though not caring and perhaps not able to sustain the burdens of office, he raised his voice once more in favor of his old foreign policy, by writing, in the spring of 1631, a tractate to King Charles, embracing his views upon the continental embroglio, now made even more interesting by the arrival in Germany of the famous Gustavus Adolphus (June, 1630). Calvert took as a basis for his arguments certain vigorous pamphlets that had caused a considerable flutter in political circles. These were "Tom Tell-Troth or a Free Discourse touching the Manners of the Times" (1622), "Lamentations of the Kirke" (1624), and "The Practice of Princes" (1630). All these tracts denounced in caustic terms the foreign policy of James and Charles, and as the first two had appeared when Calvert was holding the office of Secretary, it is not improbable that some of the paragraphs were levelled at him. He entitled his address to Charles, "The Answer to Tom Tell-Troth, the Practice of Princes and the Lamentations of the Kirke." The burden of the address is a closer alliance with Spain and a surrender of the King's position upon the claims of the Palatinate.

The contents of the tract may be estimated in part from the titles given the different chapters, viz.:

"1. Introductory.

"2. That Ferdinand was lawfully elected King of Bohemia.

"3. That the crown of Bohemia is not only elective.

"4. For the title of the Palgrave.

"5. Of the Proscription of the Palgrave.

"6. Of King James his not taking Armes to vindicate the honour of his Sonne proscribed.

"7. Reasons why the Court Palatine is not to be restored by Armes."

The conclusion of the tract reads, "therefore this is my humble supplication and suite to your Majesty, that yourself would be pleased to peruse and ponder these few lines and to bee perswaded that nothing moveth me to this scribbling presumption, but my owne fidelity, and the love of some of your servants here that pray for your happinesse. Protesting and taking God to witness that I write by no instruction of forreigners, nor for no pension, nor obligation to any forreigne Prince whatsoever, but this *hanc animam concede mihi tunc cætera sunto.*"

The tract was intended for private circulation, and primarily for the edification of King Charles; it was not published until the year 1642, the year of the battle of Edgehill and the beginning of the Civil War in England. The pamphlet is particularly interesting for the views it contains upon

religious questions and the events of the great struggle on the continent, known in history as the Thirty-Years' War. The religious feeling and political sentiments of Calvert are well illustrated in its pages.

Within a year after his address to the King, and soon after he had surrendered his patent of Carolana, the spirit of the secretary and colonizer had passed away. As the earth was beginning to feel the genial warmth of the spring-tide sun, and the buds were bursting their shells, Calvert felt the coldness of death creeping over him and on Sunday, April 15, 1632, in the midst of his large family, he calmly passed away in death. He had felt his end approaching, for on the previous day, the 14th of April, he executed his will, bequeathing "all his estates in England, Ireland and elsewhere to his son Cecilius, whom he appointed his executor; at the same time desiring his noble and ancient friends, the Lord Viscount Wentworth, now Lord Lieutenant of Ireland, and Lord Cottington, now Secretary of State, to be overseers, "whom he humbly requested to have a care of his poor family and to patronize and to love it" (Streeter). He left a small sum of money to be divided among his relatives at Kiplin.

Within a few months after Calvert had died, the great Gustavus Adolphus, the "Snow-King," perished on the field of Lützen, struggling, as an

intense Protestant against the machinations of that Spain that had so bewitched the mind of the first and greatest of the Baltimores.

Old St. Dunstan's, Fleet Street, London, in the chancel of which the remains of dead statesmen were interred, has long since perished by fire, nothing remains of Calvert, save a portrait discovered in the homestead of his friend and co-laborer, Lord Bacon;[1] not a bust, a monument, or a memorial tablet can be found on either side of the Atlantic to commemorate the virtues and wisdom of the founder of Maryland.

IV.

Review of his Career and Character.

Some years ago, an ardent admirer of George Calvert, in an after-dinner speech, eulogizing his character, said that frequently the name of a patriot, like that of Calvert, though a long time "overclouded by calumny or darkened by neglect, blazes forth at once in the clear effulgence of true glory. It receives the homage of genius, and the gratitude of nations. It becomes the precept of

[1] This portrait was painted by Mytens, court painter of James I. A very fine copy of the original, made by Vinter of London, was presented to the State of Maryland by the Hon. John W. Garrett. See *Balto. Sun*, Jan. 31 and Feb. 1, 1882.

age, and the example of youth;" but since the orator had remarked that "the minute facts and dates" of Baltimore's career were not very fresh in his memory, his fulsome praise is pardonable.

Calvert was neither a Loyola, a Newton, nor a Washington, yet his career is not devoid of interest and romance, and his life may be studied with profit. He did not possess the qualities that constitute a great man, yet his character stands unimpeached for the principles of moderation, prudence, energy and thorough honesty. Considering the suddenness of his political preferment, the obscurity of his birth, the utter corruption of his times, and the intensity of party feelings, it is remarkable that his course was so even and upright. Not a line can be found in any memoir, history, or state document that could be introduced as evidence against his integrity. The literature of the day, both of private and public sources, though abounding in flippant gossip and vindictive personalities, does not contain a word reflecting upon his political morality. Notwithstanding the almost unlimited influence of Buckingham, who, says Gardiner, "had spoken hard things of Calvert," he resolutely refused to sacrifice his principles of rectitude to propitiate the wrath of the favorite, and, though he knew Buckingham was striving to secure the secretaryship for a personal friend, he refused to make any advances to secure his coöperation

to maintain himself in office. In after years when Calvert had resigned his office and retired into private life, the impulsive favorite recognized his personal worth and became attached to his interests.

In the many parliaments in which he was a representative, Calvert was a conspicuous figure, both on account of his personal talents and his prominent place in the King's Council. As an orator, his talents were not of the first class. He was not eloquent, yet his manner of speaking, his tact and courtesy, were sufficiently impressive to quiet and frequently to convince the most pertinacious of the Puritan leaders. He had a most difficult side to espouse, the side of King James, yet he was frequently successful in obtaining a favorable recognition of the King's demands for subsidies, and an acquiescence in the King's foreign policy. It argues greatly to his credit as a skillful speaker that by his strong appeals he was enabled to silence such men as Coke, Selden, Pym and Philips; but as James became more arbitrary, and as Buckingham became more influential in Parliament, Calvert sought refuge in silence.

Calvert's position upon the Spanish Match did not add to his popularity, and has detracted much from his reputation; but throughout the entire negotiations he was guided by fixed principles and was ever consistent with himself. He did

not display a large amount of political foresight in planting himself in opposition to the *Vox Populi*, but he was no friend to popular government as then understood. Like many thoughtful men of his time he viewed with much distrust the rising power of the masses, and felt that it would be far preferable for the King to direct the people than the people to control the King. He knew the Spanish Match was not popular, but he did not think the will of the people was the best foundation for a government. Not only Germany and France, but England itself was filled with fanatical spirits, seeking what they might destroy, and in many places these fanatics had become rulers by popular acclamation. He himself could remember when the streets of London were profoundly disturbed by the excesses of enthusiasts, who, when brought to trial had boldly said, "they were above the magistrates," and had declared their purpose "to change the whole form of government." He thought the Commons were pressing towards the same goal, and felt it his duty to check the advance. Calvert was living in a period of constitutionalism, but he could not read the signs of the times. Had he possessed less integrity or less prudence he might have shared the fall of Bacon or the fate that befell his comrade Strafford. He did not err in wishing to have a strong central government, but he made a mistake in not recog-

nizing the just claims of the people. He was a strong Royalist, but he was actuated not by caprice or selfishness, but by a strong feeling of conservatism, strengthened by a long career at the Court. There were fields of legislation in which the Commons could take a prominent part, but in the general administration of government, the making of treaties and of foreign alliances, the King was entitled to exclusive authority and unquestionable obedience. He was fully pursuaded an alliance with Spain would be of great advantage to England, it would not only connect her by a strong tie with the most powerful nation of the period, but it would give to England the enviable position of umpire in disputed points of international polity. The influence that Gondomar is said to have exercised over Calvert was political not personal. The Spanish Match did not at first offer to the Secretary any special hope of pecuniary reward or political preferment, though he clung to it finally so tenaciously in order to save his official reputation. He was not without precedents for his foreign policy and his efforts were seconded by some of the purest and wisest statesmen of the times. Gardiner's passing remark is sustained by the amplest evidence; he says: "I may take this opportunity of stating that it is quite a mistake to suppose that because Calvert afterwards became a Roman Catholic, he was ready to betray English

interests into the hands of the Spaniards." He was careful not only of the rights of the English people, as he regarded them, but also of the claims of those who looked to England for aid. Even when the news from Madrid was most favorable to the success of the Match and when an alliance with Spain seemed inevitable (1623), Calvert did not lose sight of the German subjects of Frederick, James's son-in-law. As soon as he heard that the Court of Spain was rejoicing over the selection, by the Diet, of Maximilian, Duke of Bavaria, a rigid Catholic, to the Palatine electorate of Frederick, Calvert went immediately to the Spanish Ambassadors in London and complained of the indelicate action of the Spanish government in celebrating an event that deprived Frederick of his paternal principality. The Ambassadors made excuses and said the action of the Spanish Court was only a mere compliment. Calvert, however, was not satisfied; he intimated to the King that "the time was come for a more decided policy in Germany," and that it would be advisable to reconsider the policy adopted towards Frederick. Professor Diman, in his "Lectures on the Thirty-Years' War,"[1] admitted that the election of Frederick to the throne of Bohemia was not strictly legal. This was the view James had taken in his reply to the petition of the Commons, (December 11, 1621,)

[1] Delivered at Johns Hopkins University, in 1879.

and Calvert did not see any impropriety in England's joining in alliance with Spain because it refused to recognize the claims of the rash Prince Palatine to Bohemia, or because it was a Roman Catholic power. The story that Calvert was bribed by Spanish gold to intrigue in the interest of Spain is without shadow of foundation; the story is put in Rapin's History by his editor. Bishop Goodman, in his history of the Court of James the First, mentions the rumor that Middlesex, Bristol, and Calvert were interested in the success of the Spanish Match from pecuniary motives, but Goodman himself shows the utter falsity of the whole story (Vol. I., p. 377). In fact, in those days it was so usual for great offices of State to be prized for their money value, that it was difficult for the general body of the people to conceive of a statesman who could resist the temptation to sell his services to the highest bidder; but even under Buckingham's régime there were honest statesmen in the English ministry and among them was the Secretary of State.

Calvert's conversion to the Catholic religion was thorough and honest, though the change of belief had been gradual. At a crisis in his career he made an open profession of his adherence to papacy and accepted the consequences. Upon his appointment to the Secretaryship in 1619, he was regarded by all classes as a Protestant,

a member of the Church of England. If he was secretly a member of, or an adherent to, the Roman Church, he was guilty of deceit and hypocrisy entirely inconsistent with his whole career. He had his frailties, but hypocrisy was entirely foreign to his character. In a letter of March 11, 1611, to Sir Thomas Edwardes, English Ambassador at Paris, Calvert describes the reunion of the celebrated Theophilus Higgins to the Church of England, as "a famous conversion of a revolted minister of our Church," thus identifying himself with the English Church, in a private letter written to a confidential friend. In the reports of the Irish Commissions of 1613, the practices of Irish Catholics were severely criticized, and repressive measures were proposed to abolish their iniquitous proceedings; both of these reports were signed and endorsed by Calvert. At the time of his appointment to the Secretaryship, James was particularly embittered against Catholics. He had dismissed Calvert's predecessor, Lake, partly on religious grounds; and in thinking upon the duplicity of Lady Lake, he had applied most offensive epithets to the Catholic ladies of the Court, and he was much enraged at the report that the "nuns of Louvain" and other Catholics were praying for the deliverance of Secretary Lake from his enemies. Under these circumstances Calvert could not have hoped to

receive the Secretaryship if he had been a Roman Catholic. As a member of the Parliaments of 1621 and 1625, Calvert must have been regarded as a Protestant, for no professed Catholic could sit in the Commons at that period. It is true that within a few years after his appointment to the Secretaryship, Calvert is called by some members of Parliament, "the Popish Secretary," but this epithet was simply a party cry, fastened upon him as one of the foremost leaders of the Spanish party. He was probably charmed by, and irresistibly drawn towards the elegant and courteous Spaniard, Gondomar, but after this ambassador had permanently left England, Calvert was still serving on anti-Catholic commissions, and was one of the first of the Councillors to advise his Majesty to render more effectual assistance to the German Protestants.

He did not resign the Secretaryship because he was a Catholic, but because, as a minister, he had lost the confidence of the King by the tactics of Buckingham and by the failure of the Spanish Match. But before he did resign he had become a Catholic, and his conversion gave him an additional reason for resigning. He retired into private life, taking with him the best wishes of the King for his personal welfare. But the fallen minister did not become a religious propagandist or a patron of religious refugees. He found con-

solation in the teachings of the Church, but he did not seek to inculcate its doctrines on any beyond his own family. In the darkest hour of his career, when he landed in England after his disastrous failure at Avalon and his banishment from Virginia, and but a short time after the vessel bearing his wife had been wrecked and his personal wealth lost in the ocean, and at a time when the Puritans were growing in numbers and strength, Calvert wrote to his old friend Wentworth a letter breathing a spirit of generous benevolence. In his letter he says: "Thus your Lordship sees that we papists want not charity towards you protestants, whatsoever the less understanding part of the world think of us," (August 12, 1630). In August, 1624, when Calvert was feeling depressed by the ill success of his projects and by the burden and cares of his ministerial and Parliamentary duties, he had received a refreshing letter from Wentworth, concluding: "God bless you in all your ways, and that they may all terminate in your heart's desire." Many years afterwards, Wentworth's own rugged spirit was crushed by the death of his lovely wife. Calvert sympathized with his old colleague in his bereavement, and in the spirit of his contemporary, George Herbert, he wrote to Wentworth: "I beseech his Almighty Goodness to grant that your Lordship may, for his sake, bear this great cross with meekness and

patience, whose only Son, our dear Lord and Savior, bore a greater than you; and to consider that these humiliations, though they be very bitter, yet are they sovereign medicines, ministered unto us by our Heavenly Physician, to cure the sickness of our souls." This letter to Wentworth, written in October, 1631, breathes the spirit of a man who through tribulation had gained patience and experience, and through experience had obtained hope. "Wife, children, honor, wealth, friends," said the writer, all "pass away." In the bosom of the Catholic Church, Calvert had sought and found that peace that his soul longed for. To him the altar, chalice, candlestick, etc., described by Bishop Goodman, as kept in his best room, were but symbols to express his religious belief or to intensify his religious aspirations.

Calvert's special claims to recognition in America are based upon his interest in the American trading companies, and upon his personal endeavors to colonize the New World. Whatever diversity of opinions may exist regarding his last undertaking in America, there is no evidence that his first ventures were otherwise than entirely economic and speculative. He buys a large tract of territory in Newfoundland, sends over a number of men, mechanics, salt-makers, fishermen, etc., to erect a settlement, and is informed by his governor that it is impolitic to send over any

save those who will do hard work; no boys or girls are wanted, they are only an expense; the fishing community bids fair to secure remunerative returns to the undertaker. In the course of a few years the scope of operation widens, the governor recognizes the need of better laws and of more authority, he informs Calvert of his requirements and soon the royal charter (1623) is obtained, a rude form of government is instituted, commissioned officers are sent over with ample powers to enforce order and to administer justice; storehouses, granaries, dwellings, forts, are erected, forests are levelled and the grounds palisaded to secure the community from enemies without; immigration is encouraged, agriculture is carried on, a regular commerce is begun, and the fishing hamlet develops into an orderly, thriving English settlement, bearing a strong resemblance to some of the little seaports of Cornwall or Devonshire. Calvert finally is permitted by the King to visit his colony across the ocean, and on his return the idea becomes dominant in his mind that the settlement at Avalon might offer him and his large family a more comfortable home than either the valley of the Swale, the banks of the Slaney, or the plains of Longford County. He migrates with his family, prepares to make the New World his permanent home, makes appropriate laws and ordinances, secures better protection to life and

property, scatters the pirates in the neighboring waters, and looks forward to ending his days here in peace and plenty. But his well devised and well executed plans find an invincible enemy in the waves and the winds and the intense cold, and he seeks refuge in a warmer climate. He anchors in Virginia, near its capital, decides to make this place his home; declares to the Council his intention to abide in the country and to live under its laws and protection. But there is an obstacle in the way he had not foreseen. He forgot that other men were not so tolerant upon religious matters as himself, and is banished from the settlements by a religious law which many years before he had endorsed, if he did not actually formulate. He recognizes the legality of the position taken by the Council, returns to England either to press the King for a suspension of the objectionable oaths, or to urge his claims for a new grant of territory, and while in England he is informed by the King that his migratory disposition is distasteful to him, and is advised to remain in his native country and to take the rest to which his eminent services entitle him. To a staunch royalist as Calvert the will of the King is as obligatory as his command, and the famous voyager decides to pass the remainder of his days in England.

The actual designs of George Calvert in renewing his claims to a grant of land in the New

World after he is enjoined by his sovereign to desist from planting colonies cannot be exactly determined. His motives could have been best understood by analysing the direction taken by a settlement under his own management, but unfortunately, before an opportunity was given him to inaugurate his new movement he had passed away in death and his large grant of territory passed into the control of another, in truth, his son, but one who was educated in a school of religion and politics quite different from that of his father. It is not improbable that religion formed one element in his motives, but quite a secondary one, and it cannot be demonstrated that it was the guiding principle that led George Calvert to found the province of Maryland. Though he was a Catholic, he was none the less an Englishman, and as a broad-minded Englishman he could not found a settlement to benefit a single class or party. His example was a proof that even in an age swayed by strong passions, a Catholic could be as tolerant, as charitable as a Protestant. In the very year that a law was enacted in Massachusetts disfranchising the non-church members (1631), Calvert was drawing up his charter securing toleration and protection to all creeds and parties. But when Calvert was devising plans for the new colony, his co-religionists were not so persecuted as to be obliged to

leave their country. Queen Henrietta was herself a member of the papal church and she found ample opportunity to secure the redress of grievances. Charles, who recognized the Catholics as sturdy supporters of the King's prerogative, had warned the Commons "to leave priest and recusant to the discretion of the Crown," and while the Charter of Maryland was awaiting the King's signature, Bishop Laud was on the eve of receiving the Canterbury Archbishopric, and his division of religious parties was not Papist and Protestant, but "Orthodox" and "Puritan." But even granted that there was a strong persecution of Catholics at this period, and that many were fleeing in haste from England, this fact in itself would not be a proof that Calvert was preparing an asylum to receive them. It might be a strong motive to a pious son of the Church to found such a place of refuge, but it is not convincing evidence that he would do so. It is true, some Catholics and several priests did accompany the first pilgrims to Maryland, but it is not the less true that Calvert's settlement at Avalon was composed principally of Puritans, among them some Puritan ministers, and the one fact is as conclusive as the other; but it must also be remembered that the first emigrants to Maryland were sent over, not by Sir George, but by Cecilius Calvert, almost two years after the death of his honored father.

The history of Maryland as a commonwealth begins with the Charter, but as Calvert never saw the Charter in its completed form, it cannot be determined exactly what course of government he would have pursued. His motives in securing the grant were not entirely religious, not entirely pecuniary, probably a commingling of both; but interpreting his motives by his life, as seen in its various phases, we are led to the conclusion that, notwithstanding his virtues, his piety, his papal adherence, he sought the grant of Maryland more for an economic than for a religious object. It may be true that Cecilius Calvert, in his colonization plans, was actually "treading in the steps of his father," but the mere fact that the King so proclaimed it, does not make it historically true. It is not conclusive to trace in the plans of the son the motives of the father.

In the life of George Calvert we witness the career of a man raised suddenly from obscurity to a seat with princes; from a mere Council clerk to the chief counsellor of the King and the pilot at the helm of state. This sudden possession of power and exalted rank had whetted his ambition, had dazzled his imagination, and probably had unconsciously perverted his sound judgment, but his integrity remained unimpaired; his sense of justice, his principles of rectitude remained unaltered; his hands remained clean and his conscience re-

mained unseared, at a period in English history unexampled for its unbridled corruption and its refined immorality. Though he gambled with fortune, he did not become intoxicated with success, nor time-serving and servile when he lost. He staked his whole future preferment upon a single movement, and was defeated. The failure of the Spanish alliance terminated his career. In his bitter disappointment, surrounded by foes seeking his disgrace, and only retaining his place by the uncertain affection of an unsympathetic, extravagant King, he for awhile drifted hither and thither, until he became finally anchored in the spiritual haven, the Catholic Church.[1] But in his new sphere, he did not act like the pendulum, swinging from extreme to extreme, but remained moderate, courteous, charitable. He became no spiritual propagandist, but sought only to educate his children in that faith, which afforded him peace and contentment. He was anxious to be released from the entanglements of the Court, and sought a vent for his mental activity in making voyages of discovery and in planting colonies. As a pioneer in this employment he met with failures, but his failures became valuable lessons to his

[1] There is no evidence that Calvert's conversion was due to any sinister motive. The Church of Rome offered him, in his distress of mind, a surer peace than the deeply stirred Church of England, or the aggressive fold of the Puritans.

immediate heir and to the generation that succeeded him. He died probably thinking his whole life was a long failure; but a grateful posterity has rescued his name from oblivion, and has placed his monument in the niche allowed to the immortals.

His motto, on his own coat-of-arms, well expresses the tenor of his life: "womanly words, manly deeds"—*fatti maschii, parole femine.* In all his correspondence there runs a broad vein of kindliness, sympathy, energy and courage. Possessing a strong will and a sound judgment, he moved along quietly, doing his work thoroughly and conscientiously. His ambition was lofty, but it was legitimate; it did not carry him into intemperate zeal or into corrupt practices. Judging him from the brief notice he has received from English historians, he occupied, in their estimation, but an unimportant place in the history of his times; but in America he will be long remembered for the impetus he gave to discoveries, to trade, and to the planting of colonies, and in Maryland his name will be continually remembered in honor and devotion, not only as the founder of the State, but as the first one to introduce in the New World a palatinate form of government, and a palatinate so wisely planned as to secure to each individual the fullest toleration in religion and the greatest freedom in political and civil life; a palatinate so

constituted that the Catholic, the Protestant and the Quaker might each quietly enjoy his religion, and in the enjoyment of his religion be protected, tolerated; and, as an Englishman, be allowed civil, political, and social rights and privileges, without distinction of party, class, or creed. In his lofty ideal, the founder of Maryland contemplated neither a great empire swayed by one political ruler, nor a great hierarchy controlled by one spiritual head, but a state founded upon the principles of justice, equality and liberty, a state established and built upon the basis of civil and common law, but guided and controlled by those principles of ecclesiastical polity that would meet the universal acceptance of all its citizens.

APPENDIX.

AUTHORITIES CONSULTED

IN PREPARING THE BIOGRAPHY OF

SIR GEORGE CALVERT,

BARON OF BALTIMORE.

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Anderson: History of the Colonial Church. Vol. I.
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Baltimore: Answer to Tom Tell-Troth, etc. (Manuscript copy).
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Bozman: History of Maryland. Vol. I.
Brown: Civil Liberty.
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Calendar of English State Papers (Ireland).
Calendar of English State Papers (Colonial).
Calendar of English State Papers (West Indies).
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Chappell: Voyage to Newfoundland.
Clarendon: Calendar of State Papers. Vol. I.
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Goodman: Court and Times of King James I. Vol. I.
Green: History of the English People. Vol. III.
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MARYLAND IN LIBERIA

A HISTORY OF

The Colony planted by the Maryland State Colonization Society under the auspices of the State of Maryland, U. S. at Cape Palmas on the South-West Coast of Africa, 1833-1853

A Paper read before the Maryland Historical Society

March 9th, 1885

BY

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... TO THE MARYLAND HISTORICAL SOCIETY,
BALTIMORE, 1885.

PREFACE.

When the Maryland State Colonization Society closed its active operations in 1863, Dr. James Hall, who had been its agent and business manager, and the editor of the Maryland Colonization Journal, arranged carefully all the books and papers of the Society and placed them in the custody of the Maryland Historical Society. It has been from this collection and from the personal knowledge of the writer that the following history has been prepared. He has had, in addition, the memoranda of Dr. Hall to aid him in the work. The material has not by any means been exhausted, and the reports of the State Society, which are in print, and the ten volumes of the Colonization Journal are well worthy of examination by those who are interested in seeing how a nation may be built up from its earliest infancy, and until it enters as an adult into the family of nations.

MARYLAND IN LIBERIA.

IN Scharf's History of Maryland, Vol. 3, p. 320, it is said, that "at December Session, 1831, of the Legislature of Maryland, the State embarked zealously in the work of African colonization and made the munificent appropriation of $10,000 for twenty-six years, for the transportation and removal of emigrants to Africa; and the State Society was incorporated to accomplish the ends it had in view."

The above, if not as accurate as it might be, suffices to inform the general reader that Maryland contributed largely toward African colonization. But the circumstances that induced the appropriation, and the history of what ensued in this connection until the fund was exhausted, deserve a more ample notice. This, the writer has again and again tried to persuade others to prepare, indicating the materials to be found in the Historical Society and placing his own peculiar knowledge on the subject at their disposal. Nothing has been done, however; and so, the writer, unwilling to leave the work undone, while

time yet remained to him, has undertaken, in justice not only to the State, but to associates nearly all of whom have long since passed away, to write a narrative, his own connection with whose events has hitherto made him prefer that other hands should supply what has always seemed to him to be an omission in the history of Maryland.

It is certainly a noticeable fact that a private corporation of this State should have purchased territory in Africa from native kings, with all attributes of sovereignty, have planted there a colony of emigrants from Maryland, carrying with them a constitution, a bill of rights, and a system of laws that placed them, from the moment of landing, in the condition of a well-organized community—a system, one of the fundamental principles of which was total abstinence from the use of, or traffic in ardent spirits—a system under which they lived and throve, until at the end of twenty years of unbroken prosperity, there was transferred to them, at their own request, the sovereign power of the original owners of the soil, and they became one of the family of Nations, under a constitutional republican government; and, although the then so-called "State of Maryland in Liberia" afterwards united itself by treaty to the Republic of Liberia, where it is now known

as Maryland County, its origin and the history of its comparatively brief independent existence ought not to be absolutely forgotten.

In 1816, the American Colonization Society, now in the seventieth year of its existence, sent two of its agents to Africa to select a site for a colony of free colored people from the United States. They selected Sherbro Island, not far from the British colony of Sierra Leone. The Society's pecuniary means were limited, and it might never have taken possession had not Mr. Monroe construed the Act of Congress of 1819, which required slaves imported after 1807 to be kept, until removed, in custody, as justifying him in employing the agency of the Society in removing them to their native country. The ship Elizabeth was then chartered by the Government and sailed, with emigrants furnished by the Society, to Sherbro. This site proving unhealthy, the emigrants were removed to another, which was equally so; whereupon the President dispatched Captain Robert F. Stockton, in the armed schooner Alligator, to the coast, on a voyage of exploration, which resulted in the purchase of Cape Mesurada from the natives. The deed was made to Robert F. Stockton and Dr. Eli Ayres, his companion on the voyage and an agent of the Society, in trust for emigrants who might choose

to settle there. To this place the survivors of the emigrants by the Elizabeth were removed, and the seed was planted that has grown and branched into the Republic of Liberia.

It was not long before news came that the colonists were "turbulent and insubordinate." "There was no civil government; what stood in the place of one, was a pure despotism of an agent, resting on no legal basis and possessing no physical force to compel obedience."[1] In time this was remedied and the reign of law and order was established. It is mentioned to show the warning of which the Maryland State Colonization Society availed itself at a later date.

To carry on its work the American Colonization Society depended upon the collections made by auxiliaries. One of the most productive of these was in Baltimore. The interest in the subject, however, had spread throughout the State; and on the 6th of March, 1827, the Legislature directed "the treasurer of the Western Shore to pay for the use of the Society one thousand dollars, provided he should be satisfied that the sum would be expended for the benefit of the people of color who had been actual residents of Maryland for twelve months prior to their embarkation for

[1] See Memorial Volume of Am. Col. Society, pp. 81, 82.

Africa. A like sum was directed to be paid annually to the Society on proof to the same effect.

Including the emigration of 1828, there had been sent to Liberia from various States seven hundred and fifty-seven emigrants; and the prospects in this respect were so satisfactory that, at the annual meeting in that year, the Society adopted a resolution offered by Mr. Latrobe, a delegate from Maryland, "that the Board of Managers be requested to ascertain in the course of the ensuing year, if possible, the practicability of obtaining territory for colonial settlements at Cape Palmas and the island of Bulama, on the southwest coast of Africa." In support of this resolution the advantages of Cape Palmas were described on information derived mainly from Dr. Ayres, the companion of Captain Stockton, and from inspection of the map of Africa.

In 1829, there was remitted to the Society in Washington, between two and three thousand dollars, the proceeds of a fair held in Baltimore. This was a large sum in those days; but there was a reaction in the feeling that produced it, owing to the emigration from Maryland being so very small that the parent Society was unable to meet the condition on which the payment of the State's subscription for that year depended. At

any rate, all interest in colonization seemed to die out for the time; nor was it revived until Robert S. Finley, the son of the founder of the American Colonization Society, came to Baltimore in 1832 and undertook its advocacy with a rare and peculiar eloquence that attracted crowds to hear him. He infused a new spirit into the old friends of the cause; and at a meeting held by them on the 22nd of February, 1832, the following preamble and resolutions were adopted:

"Whereas this meeting is of opinion that the plan of establishing a colony of free colored people from the United States has been proved to be perfectly practicable, through the zealous, unwavering and philanthropic exertions of the American Colonization Society; and whereas, greater concentration of effort and multiplication of resources than have hitherto been obtained, are obviously necessary to secure the ultimate accomplishment of the great object in view, the removal of the free people of color with their own consent to Africa; and whereas, it is deemed expedient to endeavor to apply the means that may be raised in Maryland to the removal of the free people of color of Maryland; and whereas, it is considered that such well known application of these means will ensure a great increase in their amount, and thus materially advance the great aim of the

Society—therefore, resolved, that this meeting will proceed to form itself into a State Colonization Society, auxiliary to the American Colonization Society at Washington, and that its efforts shall be devoted under the auspices of that Society, to the removal of the free people of color with their own consent to Africa."

Messrs. J. H. B. Latrobe, Peter Hoffman and Dr. Samuel Baker were then appointed a committee to prepare a constitution, which was subsequently adopted and which was the foundation of the system of independent State action under which colonization was afterwards carried on in Maryland by "The Maryland State Colonization Society," which was the name given to the association.[1]

The first act of the Board of Managers on the 27th of March, 1831, was to resolve to despatch an expedition to Liberia in the following June, and the Secretary was directed to correspond with the Parent Society to obtain such documents as would entitle emigrants from Maryland, on their arrival

[1] The officers of the Society were George Hoffman, First President, Thomas Ellicott, Second, and Nicholas Brice, Third President; Alexander Nesbit, Thomas E. Bond, Nathaniel Williams, Vice Presidents; John Hoffman, Treasurer; James Howard, Secretary; Moses Sheppard, Peter Hoffman, Gen'l Samuel McDonald, Alexander Fridge, Dr. Samuel Baker, Peter Neff, Charles Howard, Solomon Etting, J. J. Harrod, John Gibson, Edward J. Coale, and John H. B. Latrobe, Managers; Dr. Eli Ayres, Agent; Solomon Etting, Moses Sheppard and Charles Howard, Executive Committee.

in Africa, to participate in the rights and privileges of other colonists.

A long correspondence followed. It involved the principle of independent State action, which the Parent Society deprecated as narrowing its field for collecting money and emigrants. It ended by the State Society's agreeing to reimburse the parent board for whatever expenses the emigrants from Maryland might cause in Liberia, to be ascertained by the colonial agent.

It was with this understanding that the State Society despatched the schooner Orion, with Dr. James Hall on board as a passenger, with thirty-one emigrants to Monrovia, on the 25th of October, 1831, and the ship Lafayette, with one hundred and forty-four, in December, 1832.

It would not be fair, however, to attribute the large emigration by the Lafayette to independent State action. There can be little doubt that it was owing, in great measure, to the so-called "Southampton Massacres."

In August, 1831, sixty-five whites, men, women and children, were massacred in cold blood by negroes under Nat Turner, in Southampton County, Virginia. Up to this time there had been a growing feeling in favor of emancipation in Maryland, Virginia and Kentucky. Now, there was a strong reaction; and stringent laws affecting

slavery and free negroes were enacted in these States. The Maryland law bears date March 12, 1832, but is commonly spoken of as the law of 1831, having been passed at December session of that year. Its close connection with our subject requires a particular reference to some of its provisions.

The first section provides for the appointment of three commissioners, members of the Maryland State Colonization Society, whose duty it is to remove from the State the people of color now free, or such as shall become so, to Liberia, or such other place, without the State, as they may approve, and the party to be removed may consent to go to, and to provide for their establishment and support as far as necessary.

The second section provides for the payment to the commissioners of such sums as they shall from time to time require, not exceeding in all the sum of $20,000, during the present year (1832), to be applied by them in their discretion for the above purpose, with power to make preparations in Liberia if they think best.

The third section requires the Registers of Wills and County Clerks to furnish lists of manumitted slaves to be removed. If the party refuses to go to Liberia, the Sheriff is required to put him out of the State.

The fourth section authorizes slaves to refuse manumission. The fifth enables the Orphans'

Court to permit manumitted slaves to remain in the State. The sixth authorizes manumitted slaves to be hired out until their wages pay the expense of their removal. The seventh requires the Treasurer to borrow $20,000 to make the first year's payment, and the eighth apportions the annual payments among the several counties and the city of Baltimore.[1] The remaining sections of the Act have no immediate bearing on the present topic.[2]

The harshness that prompted the above legislation soon gave way to the kindly feeling that had always influenced the people of Maryland towards the colored population. In but a single instance was the Sheriff called upon to remove a manumitted slave beyond the borders of the State.

Cotemporaneously with the passage of the Act of 1831, the State Colonization Society, which had previously existed as a voluntary association, was incorporated by the Act of 1831, chapter 314.

The charter, the extent of whose powers in the present connection it is important to note, especially authorized the incorporators "to purchase,

[1] Although the Act of 1831 left the amount to be drawn by the commissioners, from the treasury annually, after the first year, to their discretion, yet the second section which apportions the sum of $10,000 as the annual contribution of the several counties and the city of Baltimore, was held to limit the commissioners to that amount. See Act of 1852, ch. 202.

[2] The law of 1831 was prepared by Henry Brawner, from Charles County, one of the ablest members of the Legislature.

have and enjoy, to them and their successors, in fee, or otherwise, any lands, tenements and hereditaments by gift, grant, bargain and sale, devise, or other act of any person or persons, body politic or corporate whatsoever . . . and to occupy, use and enjoy, or sell, transfer or otherwise dispose of, all such lands, tenements and hereditaments, goods or chattels, in such manner as they shall determine the best adapted and most conducive to the object of colonizing, with their own consent, in Africa the free people of color in Maryland, and such slaves as may be manumitted for the purpose, and which is declared to be the sole and exclusive object of the said Society."

It was under this charter that the State Society took it upon itself to acquire, by purchase, territory in Africa and to exercise a power that had the incidents of sovereignty.

The first use made by the Commissioners of the State fund was to charter the ship Lafayette for Liberia, as already mentioned.

The accounts brought by the Lafayette on her return were so very unsatisfactory that the commissioners determined to suspend further emigration for the present; and the active promoters of the cause in Baltimore became, for a season, greatly discouraged. Colonization, however, was not to be abandoned because of temporary mis-

management in Africa, or the want of pecuniary means in Washington; and it came to be asked whether Cape Palmas, which had been suggested at Washington in 1828, might not, in this emergency, be found to be a site upon which, with due preparation and with adequate pecuniary means, a colony might be planted that would be free from the difficulties that were hampering the Society at Washington.

As far back as October 4th, 1832, Messrs. Latrobe, Judge Brice and Charles Carroll Harper had been appointed a committee to consider and report upon communications that had been received from different parties in regard to new settlements in Africa; and on the return of the Lafayette, the committee, regarding a new settlement as the only alternative to a failure of the colonization cause in Maryland, reported the following resolution, which was adopted.

"That the Maryland State Colonization Society will forthwith establish a settlement on the coast of Africa, and will take immediate means to procure, both within and without the State, the necessary pecuniary aid; and that the committee heretofore appointed on the subject of new settlements be directed to report to the board upon the position and details, together with the probable cost of the same, and that the commissioners of the State

fund be requested to lend their aid in such manner as they may deem proper in this behalf." [1]

In the preamble to this resolution it was recited among other things that "it was believed that a settlement thus formed by a Society, whose avowed object was the extirpation of slavery in Maryland, by proper and gradual efforts addressed to the understanding and experience of the people of the State, would be viewed with peculiar interest by those who advocated colonization on account of its tendencies towards liberty."

On the 28th June, the committee reported that "they had no hesitation in recommending Cape Palmas or its vicinity, as the most suitable position for a new settlement to the leeward of Monrovia. Its advantages were great in a commercial aspect, equally so in an agricultural one, and there was no reason to believe that its health was not equal to that of any other situation on the coast."

The report was accepted, and the following resolutions, after a prolonged discussion of the subject, and after amendment, were unanimously adopted as the basis of the Society's action in the premises.[2]

[1] Records, Vol. I, p. 74.

[2] With the views entertained, nowadays, of slavery, it perhaps seems strange that there should have been any question as to the propriety of

"Whereas, the Society have resolved to establish a settlement at some suitable point on the coast of Africa, and to take measures to procure both within and without the State the necessary pecuniary aid; and whereas Cape Palmas, or its vicinity, has been recommended as affording advantages for such a settlement, which justify steps for its more particular exploration and purchase; and whereas it is proper, before proceeding to make the application for the aid contemplated, that the principles upon which it is intended to establish the settlement should be distinctly stated for the information of those who may be willing

adopting the resolutions of the text. But, half a century ago, slavery was regarded in the States where it existed as an institution upon whose permanence the wealth and prosperity of so many were dependent, that anything which, by possibility, might interfere with it, was looked upon with jealousy and distrust. So fixed, indeed, did it seem to be, that even those who deplored its existence, seeing no way to get rid of it, and never dreaming of the civil war which closed with its destruction, were disposed to consider it as a necessary evil, and to leave it with the future to be dealt with. The Constitution of the American Colonization Society had carefully avoided all reference to it, when it declared the object to be "the removal of the *free* people of color, with their own consent, to Africa," and the Maryland law of 1831 found supporters in the belief that, by such removal, the property in slaves would be enhanced in value or made more secure. The action of the State Society, therefore, which frankly declared that the extirpation of slavery in Maryland was its ultimate object, was far in advance of anything that had been done in this connection in the slave-holding States, and the discussion of the resolutions was naturally careful and deliberate. Not only was the principle involved to be considered, but the effect of the resolutions upon the public, and especially their effect on the Legislature, upon which the Act of 1831 made the Society practically dependent for the means of accomplishing its purposes.

to lend their assistance to the cause of colonization as advocated by this Society; therefore it is resolved:

"*First.* That the Maryland State Colonization Society look forward to the extirpation of slavery in Maryland, by proper and gradual efforts addressed to the understanding and experience of the people of the State, as the peculiar object of their labors.

"*Second.* That the Society believe that this can best be accomplished, under existing circumstances, by advocating and assisting the cause of colonization.

"*Third.* That the colonization of the free people of color, of the United States, on the coast of Africa, will not only promote their own temporal freedom and happiness, but be the means of spreading the light of civilization and the Gospel in Africa.

"*Fourth.* And whereas it is desired that the settlement about to be made should, as far as practicable, become a moral and temperate community, which is to be effected in a great degree by the character of the emigrants who may leave America for a new home in Africa; and whereas the sad experience of this country has shown the demoralizing effect of the use of ardent spirits; be it resolved that no emigrant shall be permitted to go from America to a settlement of this Society,

in Africa, who shall not first bind himself or herself to abstain therefrom.

"*Fifth.* That the principle of abstaining from the use of ardent spirits, except for medicinal purposes, be incorporated into the local government of the settlements of this Society in Africa, so that no person shall be capable of holding office therein who shall not first pledge himself to abstain from the use of, or traffic in, ardent spirit, with the above exception.

"*Sixth.* That this Society believe that in thus uniting the two great causes of colonization and temperance, the best interests of both will be promoted; colonization will advance with a healthier step to ultimate success, and temperance will find, in a nation founded on its principles, an illustration that must be forever conclusive as to its political benefits and an example all powerful in its influences.

"*Seventh.* That this Society, while they will encourage at all times communication with their settlements, so as to increase facilities for emigration, will make their agricultural character and improvement the peculiar object of their solicitude."

The adoption of the above platform was all the more important at this time in view of the attitude that the State had recently assumed in regard to colonization.

When, in 1826, the Legislature directed $1,000 to be paid annually to the American Colonization Society, the State occupied the position of any other contributor, except as to the application of the fund. When the State, in 1831, made its appropriation of $10,000 annually, the expenditure was not left to the Parent Society, but was confided to commissioners, who might apply it at their discretion, as they did, when they sent the Lafayette to Monrovia, without interfering with the control of the Society at Washington in Africa.

Under the Act of December Session of 1832, passed on the 23d of March, 1833, after the return of the Lafayette, and three months prior to the passage of the foregoing resolutions, the State, however, assumed a new attitude in regard to colonization.

After reciting the Act of 1826, the preamble of the Act of 1832, ch. 314, continues:

"And whereas, by the restrictions of said Act, the American Colonization Society have not drawn upon the treasurer for several years past for the appropriations made by the Act aforesaid, for the purpose of carrying into execution the benevolent designs of the State; and whereas, THE STATE HAVING NOW EMBARKED IN THAT GREAT AND IMPORTANT WORK, ON ITS OWN RESOURCES, therefore be it enacted, that the several sums appro-

priated as aforesaid, which have not already been appropriated, be and the same are hereby appropriated to the use of the State, as other monies now in the treasury; and be it enacted, that the said Act is hereby repealed to all intents and purposes."

It is hardly necessary to say that the position thus taken by Maryland strengthened materially the confidence of the Board of Managers. They had now a reasonable expectation that the aid of the State, through the commissioners of the State fund, could be obtained; and it was only right, in all fairness, before it was applied for, that the principles upon which the Board were acting should be as frankly stated, as they were in the resolutions on the 28th of June.

On the same day, Messrs. Latrobe, Anderson and Howard had been appointed a committee to recommend a suitable person to proceed to Africa to purchase a site for a settlement at Cape Palmas or in its neighborhood, if practicable, under instructions which the committee were to prepare and submit to the Board.

As already said, among the passengers in the Orion, in October, 1831, was Dr. James Hall, who, on reaching Monrovia, was at once employed as a physician by the American Colonization Society. On his passage out, amongst other matters placed

in his hands for information concerning colonization and Liberia, was a copy of the African Repository, containing the speech already referred to, suggesting Cape Palmas as a proper site for a new settlement; and having occasion to visit the leeward coast in the Margaret Mercer,[1] for the purchase of rice for the emigrants, he took occasion to visit the Cape and see for himself whether the place justified the description. The result of his examination was a letter to Dr. Ayres, the agent of the Society when the Orion sailed, which was most satisfactory in regard to the healthiness and agricultural facilities of the place. It came into the hands of the committee after a new settlement had been determined upon; and when on the 6th of June, Dr. Hall himself made his

[1] The Margaret Mercer was a vessel built in Baltimore at the cost of the Pennsylvania State Colonization Society, and presented by it to the Parent Society. It was called after a Maryland lady, the daughter of General John Francis Mercer, of revolutionary fame. Among the friends of colonization she was the most devoted. Inheriting slaves when they were still valuable in Maryland, she manumitted them, sent them to Liberia, and during her life watched over their welfare. Intelligent, highly accomplished and refined, she was beloved by all who knew her, and the calling of the vessel referred to by her name was no more than a recognition of her established reputation as an efficient and self-sacrificing friend of the cause to which she devoted her time and contributed largely from her pecuniary means.

It was an odd coincidence, that it should have been in a Baltimore-built vessel, called after a Maryland lady, that the voyage was made to which was to be attributed more immediately the establishment of the colony of Maryland in Liberia.

appearance in Baltimore on his way to Washington, to meet the Directors of the American Colonization Society, it may readily be understood with what satisfaction he was received, especially when he expressed his readiness to return to Africa at once, if required, to take charge of the proposed expedition. It was this and his subsequent intercourse with the members of the Board of Managers that led the committee to recommend him as the agent for the occasion; although it was not until the 9th of September that he was formally appointed.[1]

When it was ascertained on the arrival of Dr. Hall in Baltimore in June, that he would accept

[1] In a letter addressed, more than fifty years afterwards, to the African Repository for October, 1885, Dr. Hall, speaking of his appointment, says: "This proposal the writer could not forbear accepting, although fully sensible of the responsibility of the undertaking and the many chances of failure in the execution of the task to the satisfaction of the Society or even of himself. In the first place his heart was in the cause, not exactly of colonization but of Liberia. By a residence of two years at Monrovia he had imbibed a deep interest in the colony and formed most friendly relations with many of its citizens, especially Russwurm, McGill, Roberts, Day and many others. Without vanity or overestimate of his ability, he felt that he could better execute the task than any other man they could or would be likely to obtain; and that from his peculiar fitness therefor. His early training before and while acquiring his profession had made him familiar with business; and in Africa he had acquired knowledge most invaluable and important for the position. He had attended scarcely less than one thousand cases of African fever. He was familiar with the African trade, with the peculiarities and habits of the natives, well acquainted with the colonists, and able to make good selections of suitable assistants, and more than all, had visited the towns on the entire coastline to and including the point proposed for settlement.

the leadership of the proposed undertaking, the next thing to be done was to secure the requisite pecuniary means for carrying it on. This was afforded by the Commissioners of the State Fund, who, on the 9th of July, sent the following reply to a note addressed to them on the 7th.

"Whereas, this Board have come to the conclusion, after a full and mature consideration, that it will not be prudent or judicious to send any emigrants to Monrovia this year owing to the circumstances of the colony; and they have no assurance that the colony will be, for some time to come, able to receive as many emigrants as the Board have reason to think will be prepared to leave the State of Maryland.

"And whereas, the Maryland State Colonization Society have it in contemplation to establish another settlement on the coast which would afford great facilities for the reception of emigrants from Maryland, but find themselves unable to accomplish that object without an advance of funds on the part of this Board, therefore

"Resolved, that the Board will pay in advance to the Managers of the Maryland State Colonization Society the sum of $30 for every emigrant which that Society will undertake to transport from Maryland to Africa during the present year, and provide for their arrival in that country.

"Resolved, that the Board will loan to the Society such further sum as will, together with

the payment contemplated by the foregoing resolution, amount to a sum not exceeding $8,000, the said loan to be repaid by the Maryland State Colonization Society's transporting hereafter to Africa, at their own expense, emigrants at such a rate as the Board of State Managers may stipulate at the time of their embarkation."

At the same meeting a committee was appointed to address a letter on behalf of the Board to the American Colonization Society, at Washington, assuring it that in the steps contemplated by the Maryland Society nothing was intended savoring of rivalry or opposition to that Society's interest, but was prompted by a desire to make colonization successful in Maryland to the extent of entire emancipation; that if this could be done, not only would another free State be added to the free States of the Union, but an example all powerful in its influence would be afforded of the value and influence of colonization.

At the same time it was resolved that the name of the new settlement should be "Maryland in Liberia," that the device of the seal of the Society should be a pyramid and palm trees, grouped together as an emblem of Africa, with a cross above, from which rays descend upon the emblem, with the motto: "Ethiopia shall soon stretch forth her hands unto God;" the whole surrounded by the corporate title of the Society; and it was

further resolved, that the flag of the Society's settlements should be the flag of the United States, except that in place of the stars upon a blue field, there should be a white cross of equilateral arms.

On the 9th of October a resolution passed by the Board of Directors of the American Colonization Society was received, trusting that the contemplated settlement would prove to the country at large the benefits of the colonization scheme and contribute to the colonization and happiness of the African continent. The Board of Directors further expressed their willingness to receive the emigrants by the first expedition at Monrovia or Bassa, until the Maryland Society was prepared to make a settlement of its own.

On the 16th of October it was resolved to appoint a general committee of nine to meet daily, at twelve o'clock, to expedite and superintend the expedition to Cape Palmas.[1]

[1] The committee were George Hoffman, Moses Sheppard, Solomon Etting, William George Read, Peter Hoffman, J. H. B. Latrobe, Franklin Anderson, Charles Howard, and Charles Carroll Harper. The most zealous and practically useful member of this committee was the late Solomon Etting, a retired merchant of the highest character, who gave to the Society the benefit of his great commercial knowledge and accuracy, aiding Dr. Hall throughout with the active energy of a younger man, and laying the State Society under obligations which cannot but be referred to when his name is mentioned.

The "turbulence and insubordination" of the first colonists has already been referred to, as well as the comments of the Memorial Volume in that connection. To obviate all excuse for like conduct by the emigrants to Cape Palmas and their successors, it was determined that they should carry with them a constitutional form of government, assented to in writing by each individual, to which later arrivals in the territory would necessarily be subject; and to this end Messrs. Read, Anderson and Latrobe had, on the 2nd of October, 1833, been appointed a committee to prepare "a constitution and form of government and digest of laws for the settlements of Maryland in Africa, with instructions to request the coöperation of David M. Perine and Hugh Davy Evans."[1]

On the 22nd of November, 1833, Mr. Latrobe, from the committee, reported a draft of a constitution and bill of rights to a full meeting of the Board of Managers, which unanimously adopted them.

The object of the State Society and the principles upon which it acted are so well set forth in the preamble to the constitution, that this part

[1] Mr. Perine's engagements did not permit him to act on the committee; neither did Mr. Evans'; although, at a later date, Mr. Evans became a member of the Board, and drew almost all the laws that the Society enacted.

of the instrument properly forms a part of the text.[1]

"The Maryland State Colonization Society of Maryland, one of the United States of America, to all persons to whom these presents shall come, greeting:

"Whereas, the Maryland State Colonization Society desires to hasten as far as they can the period when *slavery shall cease to exist in Maryland, and believing that this can best* be done by advocating and assisting the cause of colonization as the safest, truest and best auxiliary of freedom under existing circumstances, have determined to establish a settlement, or settlements, of free colored people and emancipated slaves, at or near Cape Palmas, on the west coast of Africa, to be called Maryland in Liberia; and whereas, it is not less the desire of the Society that the evil of slavery should be removed from Maryland, than

[1] "The meeting at which the Constitution was adopted, last Friday, was a very interesting one. By the time the documents presented to the Board of Managers were adopted, it was dusk, and two candles were brought into the large grand jury room in which the Board had met. The Constitution had been engrossed on a skin of parchment, with the seal of the Society attached, and Mr. George Hoffman, the President, was the first person called upon to sign it. He wrote his name in quite a John Hancock style, and then said, 'May the blessing of Heaven rest upon the work that we have now commenced.' The room, by this time, was quite dark, except around the two dim candles, and the remark of the President was wholly unexpected; but as soon as it was uttered there was a simultaneous Amen, in which all present most fervently joined."—*From a memorandum made the same evening.*

that the emigrants from the State should find their happiness and prosperity promoted by their change of home, and that through their instrumentality the blessings of civilization and the Gospel should be extended to a benighted land; and whereas, with these views it becomes the duty of the State Society to afford to the settlements they may cause to be established a system of equal laws, that shall secure to every emigrant and his descendants the inalienable rights of life, liberty and the pursuit of happiness—therefore be it known, that the Maryland State Colonization Society do hereby solemnly enact the following constitution as the basis and foundation of government of any and every settlement or colony which may be established as aforesaid under their auspices and control in Africa, ratifying and confirming the same, according to its tenor, to all emigrants to such settlements, and their descendants, so long as the power of government shall continue to be exercised by the Maryland State Colonization Society."

The first article then declares that the State Society may from time to time make and ordain laws, rules, &c., not repugnant to the Constitution, until they withdraw their agents and yield the government wholly into the hands of the people of the Territory.

The second article provides that any emigrant of full age shall sign a declaration to support the

Constitution and an agreement to abstain from the use of ardent spirits, except in case of sickness.

The third article declares that no person shall hold any office who either uses or traffics in ardent spirits.

The fourth relates to the good faith to be kept with the natives.

The fifth that no taxes shall be laid except for the purpose of defense, internal improvement, education and the support of the local goverment. Duties and port charges for the same purposes to be imposed from time to time at the discretion of the Society.

The sixth that all elections shall be by ballot, the qualifications to be fixed by the Society.

The seventh article includes the Bill of Rights, and provides for religious toleration, trial by jury, prohibits slavery, and may be described as containing the provisions that are to be found in like instruments in most of the States of the Union.

The eighth provides for amendments.

At the same meeting, Mr. Latrobe reported "An Ordinance for the Temporary Government of the Territory of Maryland in Liberia," consisting of forty-five articles compiled from various sources, the idea being mainly suggested by Nathan Dane's (so-called) ordinance for the Government of the Northwest territory, and was intended to meet the

exigencies of a comparatively ignorant people beginning a political existence.[1] It provided for the division of the territory into townships; enacted a law of descents; simplified the transfer of property by deeds and wills; provided for the proof of, and the recording of such instruments; made both real and personal property assets in the hands of the administration subject to the wife's dower; provided for the appointment of guardians and the division of the property of the deceased; for the appointment of the Society's agent who was to be governor for two years, prescribing his duties; for the appointment by him of a secretary, of justices of the peace and constables; for the election, by the qualified voters, of a vice-agent, two counsellors, a register, a sheriff, a treasurer and a committee on new emigrants; for the election in each township of three select men, and prescribing the duties of all elective officers. The qualified voters were to be all male colored people twenty-one years of age, who had subscribed the oath to support the constitution and held land in their own right, or who, not holding land, paid a tax of at

[1] The members of the board present when the Constitution was signed were: George Hoffman, President; John H. B. Latrobe, Corresponding Secretary; John Hoffman, Treasurer; James Howard, Recording Secretary; Nicholas Brice, Nathaniel Williams, Alexander Nesbit, Vice-Presidents, and Moses Sheppard, Peter Hoffman, Solomon Etting, Charles Howard, Charles C. Harper, Sam'l Baker, John J. Harrod, E. G. Edrington, Wm. George Read and Franklin Anderson.

least one dollar for the purposes of education and the support of government. No person to be eligible to office who did not know how to read and write.

The ordinance provided also for a Court of monthly sessions, "to have jurisdiction in all civil and criminal cases not committed to justices of the peace," for the clerk and his duties, and for juries; no person to serve as juryman unless of the age of twenty-five years, of good name and repute, and knowing how to read and write. A storekeeper was to be appointed by the agent, a surveyor, an inspector of arms, a collector, a public auctioneer and a librarian. Public schools were carefully provided for, and a militia; traffic in ardent spirit was prohibited, as well as traffic generally with the natives, without a license from the agent, except for labor, food and clothing for the use of the emigrant. Grants of land were to be made to emigrants, and no person was permitted to hold land in the colony who did not reside therein. The pardoning power was given to the agent; and bed and bedding, wearing apparel, cooking utensils and an axe and hoe were exempted from execution.

The ordinance concluded with providing for the assumption by the emigrants of their own government; up to which time all commissions, patents, deeds of public lands, rules and regulations were

to be in the name of the Maryland State Colonization Society.

The letter of instructions to Dr. Hall was submitted along with the constitution and the above ordinance, was approved, and directed to be recorded in full in the letter book of the Society. Along with the instructions, a resolution was adopted directing Dr. Hall, in making a purchase of territory, to use every effort to prevent ardent spirit forming a part of the consideration, even though an increased expenditure of other articles would be required in their stead. On this point there was much discussion in the Board of Managers, and it furnished the only question on which a vote was taken by yeas and nays during the many years of the Society's active operations. There were members who refused to authorize any departure from the constitutional provision in regard to temperance; others again were unwilling to put all that had been done at hazard, in the face of Dr. Hall's assurance that no instance had been known of a purchase of land from the natives without rum. The last prevailed and the resolution was passed, leaving the matter to Dr. Hall's discretion.[1]

[1] When the vote was taken, Messrs. Hoffman, Harper, Brice, Nesbit, Williams, Howard, Edrington and Latrobe, 8, voted in the affirmative; and Messrs. Baker, Etting, Anderson and Sheppard, 4, in the negative. Mr. Read wrote a letter saying that he would have voted, No.

At last, with every want that could be anticipated supplied, the brig Ann, of 160 tons, W. C. Langdon, Master, hauled into the stream to take her powder on board, on the 27th of November, 1833, and the flag of Maryland in Liberia, the nation that was yet to be, was for the first time floated; and on the 28th, Dr. Hall, with the Reverend John Hersey, who had been appointed assistant agent a few days before, and the Reverend J. Leighton Wilson and S. R. Wynkoop, Missionaries of the American Board of Foreign Missions, went on board.[1] It was a bleak November day when the Ann weighed anchor, and in old times the clouded skies and the misty rain, and the fact that the agent had to be carried from a sick bed to his berth in the cabin would have been ominous of failure.

Deeply impressed with the grave responsibilities they had assumed, the foregoing narrative shows how, up to the sailing of the Ann,

[1] The emigrants on the Ann were Joshua Stewart, 24 years old, his wife, 23 and an infant son; James Stewart, 19; Parnela Dellanott, Mrs. Stewart's sister, 15; William Cassel, 25; his wife, 31; one son, 2 years; Jacob Gross, 45; his wife, 33, and five children, the eldest 10 years; Nicholas Thompson, 40; Eden Wilson, 29, and John Jones. Of these, Stewart was a tailor and cooper; Cassell, who returned to the United States after some years in Africa, studied law in the office of Hugh Davy Evans, and went back to Liberia as Chief Justice, a sadler; Jacob Gross, a farmer, a most excellent man in all respects; Thompson was a farmer and brickmaker; Nelson, a rough carpenter, and Jones, a boatman. The adults all signed the Constitution before embarking.

the Board of Managers had tried to discharge it.

Looking back over the half century that has since gone by, it would seem to be but a little thing that had been done, even though the Board of Managers had been made the agents practically of the State of Maryland, by what has been here detailed. But it was not so considered at the time, and the entire community here in Baltimore looked with interest and anxiety for the news of the arrival out of the Ann. She was a poor sailer; and her voyage would have been tedious enough, had not a brisk north-wester set in before she had cleared the river, which continued down the bay and across the Atlantic, until the vessel arrived off St. Ann's shoals, within the coast influences. Here she lay for days without other movement than a dead heavy roll in the swells of the sea; and until Dr. Hall's impatience to reach Cape Palmas before the rains set in, led him to embark in a lateen sail boat that he had provided for such an emergency; and in company with the Reverend Mr. Wilson, a sailor and two of the emigrants, leave the Ann, at what was virtually at anchor, for his destined port. The little craft was soon wafted out of sight of the brig and after midnight the land breeze gave quite as much wind as was wanted; and on the morning of the third day land was made, and on the fifth Monrovia was reached

and the agent began to collect recruits. Public meetings were held, and in a few days thirty volunteers were enrolled ready for service. The Ann appeared in due time, and on the sixth day from Dr. Hall's arrival, sailed with all on board to Leeward, stopped at Bassa, where four more volunteers were obtained, and on the 11th of February, came to anchor in the roadstead of Cape Palmas, seventy-five days from Baltimore. While at Monrovia Dr. Hall had secured the services of George R. McGill and James M. Thompson. Mr. McGill was from Baltimore, had had a large experience during some years' residence in Africa, was an educated man, and subsequently became assistant agent at Cape Palmas. Mr. Thompson, who joined Dr. Hall to act as secretary of the colony, was a person of rare qualifications and was a most valuable addition; though, perhaps, Dr. Hall's most valuable acquisition, for the moment, was a Cape Palmas native, who happened to be at Monrovia when the Ann arrived, and who rendered great assistance in the negotiation for the purchase of the territory.

The news of another settlement had found its way to Leeward, and the people of Cape Palmas were not unprepared for the grand Palaver which was held on the 12th.

As was anticipated, the item of rum was insisted upon as a *sine quâ non* by the natives, when, after

they had agreed to sell, the question of the consideration came up; and, for a time, everything was at sea. Dr. Hall was peremptory, however. After enumerating the trade goods that he was willing to give in exchange for the territory, he said: "My master gave me these to buy a home for these people. If you take what I offer, good; if not, I go my way." Finally, he proposed to give, as a substitute for many articles used in English and German trafficking in which he was deficient, so many silver dollars, with the exact and comparative value of which every trader on the coast was familiar; and this being accepted as the sun declined, the Palaver was "set," as the natives termed it, and the morrow was fixed for "making book," or executing the deeds; and on the 14th of February, 1834, Parmah, King of Cape Palmas; Baphro, King of Grand Cavally, and Weak Bolio, King of Grahway, on the one part; and James Hall, agent for the Maryland State Colonization Society, on the other; in the presence of George R. McGill and James M. Thompson, completed the conveyance, by which the kings respectively granted and sold to the Maryland State Colonization Society the following tract of land "of which we are at this time lawfully seized by right of possession and descent, including all the rivers, bays, creeks, anchorages, timber and mines on the same, that is to say, [here follows the

description,][1] reserving so much of said territory as is now under cultivation by the inhabitants thereof, or such as is occupied by us or our descendants as towns or villages, with the right of passing and repassing up and down all rivers and creeks and of traversing all sections of the country not inhabited by colonists of the said Society; the said Society to have and to hold the said land for its special benefit and behoof forever; and we do agree to warrant and defend the same against all persons whatever; the said Society to have the power by its factors or agents to exercise all authority in the above-named territory, reserving to ourselves and our descendants the right of governing and settling all palavers among our own people so long as we shall see fit to occupy any part of said territory; and we do hereby acknowledge ourselves as members of the Colony of Maryland in Liberia, so far as to unite in common defence in case of war or foreign aggression."

The deed then enumerated the trade goods forming the consideration; and, on the part of the Society, it was agreed that within one year from date free schools should be established for the benefit of the native children, one at Cape Palmas, one at Grahway, and one at Grand Cavally.[2]

[1] For the deed in full, see Appendix.

[2] The performance of this stipulation was afterwards assumed by the American Board of Commissioners for Foreign Missions.

Cape Palmas, the easternmost of the territory conveyed by the three kings, is a narrow headland or promontory, about seventy-five feet above the level of the sea, once evidently an island, united to the main by a sandy beach, or isthmus, from which the ground ascends gradually to the interior. Approached from the north-west, the outline of the Cape is that of three gentle eminences; that nearest the sand beach being occupied in part by the conical huts of King Freeman's chief village which overlooks the isthmus. On the windward side of the promontory, it is washed by a river navigable for several miles by boats, and within the bar of which vessels of forty or fifty tons may be anchored, or be fastened to the wharf, which, at a later day, was built by the colonists. Without a mangrove swamp in the neighborhood, and with a wide extent of arable land beyond the sand beach, either already under cultivation or offering excellent agricultural facilities, nothing that had been promised by Dr. Hall in his letter to Dr. Ayres was wanting. The only wonder was that such a site for a colony had been overlooked on the voyage of exploration which in 1816 resulted in the selection of Cape Mesarada.[1]

[1] In a letter dated April 24th, 1834, Dr. Hall describes the purchase as "resembling the lowlands of Hayti, on which were once the most extensive sugar and coffee plantations in the world." On the 27th January, 1835, the Rev. J. L. Wilson writes, "The location has been a very fortunate one,

The first question that offered itself after the completion of the purchase, was the site of the settlement. Two sites presented themselves; one on the Cape, the other on the mainland beyond the plain already mentioned. Each had its advantages. If the latter were chosen the emigrants could, at once, have their farm lots located and begin to cultivate them; while on the Cape there was no room for agricultural improvement, and small town lots only could be awarded to the new comers.

Dr. Hall, with great wisdom, chose the Cape. A settlement on the mainland would be at the mercy of the natives, who might, at any time cut it off from the landing place and starve it into submission to any terms they might choose to exact, if they had preferred its plunder to its destruction. Upon the other hand, the settlement, if made, as it was, upon the cape, would be comparatively inde-

both as to climate and a fertile soil," and Mrs. Wilson, describing the Mission at Fairhope, close by the Cape, says, "There are but few stations, perhaps, where the beauty and majesty of nature are more harmoniously united. On the south, and very near our door, the sea rolls up its waves. On the east we have a beautiful salt lake, extending as far as the eye can reach leeward, but not more than an eighth of a mile in width. The north presents a rich and verdant plain, through which winds a fresh water stream, that we can trace with the eye a great distance from our piazza. On the west we have at one view three native towns and the colonial settlement." Mr. Burt, the supercargo of the Eliza, writes, August 26, 1835, "that the natural advantages are greater than those of any other point on the coast. The anchorage and landing are decidedly the best I have seen."

pendent. Access to the ocean would be open; and the artillery—consisting of one six-pounder, on two wheels, which was a part of the outfit in the Ann—if planted on the central eminence which commanded the native town, would give Dr. Hall an advantage which King Freeman fully appreciated afterwards. Nor was it long before the wisdom of the selection was made apparent.

On the 16th of April, 1834, the emigrants had recovered from the acclimating fever without loss, and on the 2nd of June all the town lots but one were cleared, fenced and planted. A large kitchen and rice house, twenty-four feet by sixteen, one and a-half stories high, had been built of African materials except flooring plank and doors. Also a stockade fort and jail, and a native house seventy-two feet by sixteen, for the reception of new emigrants, and two others of half that length each. The colonists had erected twelve framed houses, and four were already shingled and occupied; all were to be completed within a month; and two stone buildings, one of them two stories in height, were going up." In a word, things were already assuming the appearance of a settlement of civilized men.

On the 20th of June, Dr. Hall issued a proclamation setting apart the 4th of July, 1834, as a

day of public thanksgiving and prayer, concluding, after an enumeration of the many reasons for thankfulness, thus:

"Being thoroughly impressed with a deep sense of favor so signally bestowed upon us by the great Disposer of Events, I do hereby appoint Friday, the fourth of July next, as a day of public thanksgiving and prayer, and I do request that all the inhabitants of this colony will, on that day, cease from any unnecessary labor; and that they will assemble at our usual place of public worship and there join in rendering fervent thanks to Almighty God for His abundant mercies and special favor bestowed upon us individually and as a community; that we repent of our numerous offences according to his revealed law and the dictates of our own consciences; that we earnestly supplicate a continuance of His guardian care and providence, and that he may so endow us with His Divine influence that our doings may be acceptable to Him, beneficial to ourselves as individuals, and alike honorable and profitable as members of this infant republic.

"Done at Cape Palmas this 20th day of June, 1834.

"JAMES HALL, *Governor.*"

As a consequence of the close connection now existing between the State of Maryland and the

State Colonization Society, through the Commissioners of the State fund, the annual meetings of the Society were generally held at Annapolis during the sessions of the Legislature; and on the 23rd of January, 1836, the Society met in the senate chamber, where resolutions were offered by Mr. J. D. Maulsby, of Harford; Colonel Emory, of Queen Anne's, of the Senate; Colonel Chapman, President of the Senate; Colonel Ely, of Baltimore County, and others, approving the course of the Board of Managers, urging the formation of auxiliaries throughout the State, and requesting the clergy to take up collections for the benefit of the Society on the 4th of July.

By the 29th of December, the colonists had turned their attention to farming, and most of the farm lots had been cleared and fenced, and things generally had fallen into a regular routine.

Circumstances had, for some time, made the agent the supreme authority, and it was fortunate that this was in the hands of a practical business man, who was also a very determined one.

After the sailing of the Ann for home, the King of Cape Palmas, believing that the stock of provisions was becoming short, prohibited Dr. Hall from trading with any tribe but his own for rice; replying to the governor's reference to the treaty of purchase, that he, King Freeman, would do as

he pleased. Whereupon the governor told him, "That unless the people of Rocktown were permitted to bring in provisions the colonists would starve; that they were as willing to die in one way as in another; and that if the king attempted to stop by force any trade coming to the colony, or intercepted trade goods that might be sent for rice, war would begin, and would not end while one American was left alive on the Cape, or until every native town in gun-shot of the fort had been destroyed."

Making preparation accordingly, Dr. Hall despatched his boat, the following morning, as usual, to Rocktown; when the king sent word, "that it was all a mistake; and that he was sorry for the trouble he had given!" This ended all difficulty in regard to traffic; and Dr. Hall realized the practical importance of having the native village and the landing place under the fire of his artillery of a single gun.

Nor was the above the only occasion that illustrated the value of the very meagre battery that Dr. Hall had at his command. The natives seemed to be constitutionally thieves. "They would slip their hands," says Dr. Hall, "through the watling of the houses and strip the bed-clothes from the sick." When he became strong enough, the governor insisted that the king should pay the value of the stolen goods. Presently, however, a colonist

was detected with cassada stolen from a native's field. Naturally enough, King Freeman wanted to know why the governor would not pay, in the same way, for the thefts of his people. "I have a law that punishes theft," explained Dr. Hall, "and you have not, although it is in your power to make one." Fully comprehending this, and learning that the governor's law came from America, the king determined to have a law from the same source; and when Dr. Hall returned to the United States, Simleh Ballah, "the king's mouth," came with him to procure it. In the meanwhile, however, the king appointed two native justices, and two constables to detect and punish theft.

In due time, Simleh Ballah appeared before the Board, and said, "I'm Ballah, head man for King Freeman, of Cape Palmas. Him send me dis country. I come for peak his word. Pose him savee book, I no come. He make book and send him; but 'cause he no savee make book, I come for look country and peak him words." He then described the condition of his people before the colonists came, and the advantages of the settlement to the natives, ending by saying that the king told him to beg that more men be sent "for make home, make farm, for bring money, and for make all little childs savee read book all same America man. I done."

Simleh Ballah was a stalwart, very black man, of a good presence, with the inner corners of his two upper teeth filed away and having a blue line tattooed from the root of his hair along his nose down to his chin. He was as cool and collected before the Board as though he were holding a palaver at home. A brief and simple code was prepared for King Freeman, which will be found in the appendix.[1]

The influence of the colony and the governor was illustrated on another occasion in connection with a trial by the Sassa wood ordeal.

[1] Simleh Ballah was a fine specimen of his people. While in Baltimore, his residence was in the Secretary's house; and during the preparation of the code, its articles were discussed in the evenings, when the messenger was invited to the parlor and held a palaver, nothing being accepted without his fully understanding and assenting to it. When the article was read declaring that no man should have more than one wife at a time, Simleh Ballah objected, saying that he had six, that if restricted to one he would take the youngest, when, as no one would take the others, they must starve; whereupon postponing the consideration of the particular article, the next was taken up. On the following evening, for many evenings were consumed in the discussions, Simleh Ballah began the palaver, by saying he had "looked his head" (reflected,) during the night, and was quite ready to adopt the article, in a qualified way; "that be good law," he said, "for his pickaninny, but not for him. He would say to his pickaninny 'you want wife, look good you no hab two wife:' good law for pickaninny, bad law for Simleh Ballah." The idea of *ex post facto* legislation was thoroughly understood by the "King's mouth." On another occasion, during a palaver, Simleh Ballah asked, "Massa Tobe," as he called the Secretary, "God man [missionary] say, all bad men he burn, you tink so?" "The good book says so, Simleh," was the reply. At this time two sons of the

All sudden deaths of the middle-aged and active were often attributed to witchcraft, when, to prove the innocence of the person charged by the Gree-gree man, he was obliged to drink large quantities of a decoction of the bark of a poisonous tree called Sassa wood. If he survived, he was deemed innocent. One of the head men, who had uniformly befriended the colony, was charged with bewitching the family of a rival, and condemned to the ordeal. On hearing this, Dr. Hall called a palaver (a negotiation with the king and head men) and endeavored to have the man released: but altogether in vain. On returning home, he was informed that if a superior in rank were to take the accused by the hand

Secretary were in the room. Looking at them, Simleh Ballah said, "Massa Tobe, Pose your pickaninny he be bad? you burn your pickaninny, all men he be God pickaninny, God no burn his pickaninny." Whereupon, the discussion of the code was resumed, and the theological question, which is only referred to as an indication of the character of the man's mind, was not continued.

The following is the letter from King Freeman, of which the Reverend J. Leighton Wilson, who acted as amanuensis for the king, says, that it is in the words used by him "as nearly literal as it is possible for me to write them."

"King Freeman to the Gentlemen of the Colonization Board of Baltimore, Nahaveo, [greeting]:

"Mr. Wilson he be hand for me, and Simleh Ballah be mout for me for make dis book; but de word come from my own heart. He be true. I send Simleh Ballah for look you; he eye be all same as me eye, and dat word he peak be all same he come out me own mout. You do Balla good when he lib to your hand, dat be all same you do good for King Freeman. I tank you for dat. Ballah tell me you hab fine country. I believe what he say, cause he no fit for tell lie. I tank you berry much for dem cash you send me. I like um plenty, and go keep um all de time. But I tank

when the potion was about to be administered, he could clear him; but would assume the responsibility and be liable to supply his place or pay a heavy fine. On hearing this, Dr. Hall, cripple as he was at the time, set off for the sand beach just as the wives and children of the victim were being driven off after their last farewell. About five hundred people were collected in a hollow square, in the middle of which the Gree-gree man, in full panoply, was just raising a two gallon pot, filled to the brim with the decoction, to the lips of the accused. Breaking through the square, Dr. Hall took the man by the hand, saying as he did so, that he would satisfy any one who had cause of

you berry much for dem law you send me. He be good law, and all my people go do him. Pose hab dem law first time, I no go do fool fash all time. Dis time I go make all my people do dat ting what you law tell me. I tank you plenty, gentlemen, for dem good law. I tell all men go hear Misser Wilson talk God palaver, and yisserday so much man go till plenty hab for to stand outside de house.

"Soon Ballah go for Merica first time me go long way bush and tell all man say he must make fine road and bring plenty trade for Cape Palmas. Me heart tink say he guin do him soon.

"Me hear say you hab plenty slave in your country, me hab one word for peak dem. You must come me country den you be free man for true. Dis country be big and plenty room lib here. Pose you come, I peak true, me heart be glad plenty for look you.

"Pose any gentleman want come, me want him for come too. Me heart be glad for see dem too much.

"Me word be done now. I tank you berry much for you dash and you law. I go lub you till me dead. Me send you one county chair for you look at. Me go put pickaninny country word for you see.

"A good child loves her father, he loves his mother.

"KING FREEMAN, *alias* PA NEMMAH."

complaint, and be responsible for all they could prove against his friend, and "marched him off," to use Dr. Hall's words, "amid the mingled shouts and execrations of friends and persecutors."

On the 24th of December, 1834, General B. C. Howard was elected President of the Society, on the death of Mr. George Hoffman.

On the 30th of December it was resolved that the town and township at Cape Palmas shall be called "Harper," in honor of the late Robert Goodloe Harper, who was among the first that advocated the cause of colonization in Maryland, and who devoted to its illustration and support the full force of his strong and comprehensive intellect.

By the 10th of January, 1835, the Board of Managers were in possession of the first map of their colony, sufficiently in detail to permit names to be affixed; and, not unnaturally, the members of the Board were commemorated so far as the material went.

Before long, it was deemed necessary to provide for taking care of the movable property of the Society, and for the protection of their commercial interests, which was done by a supplement to the

ordinance for the temporary government, passed on the 24th of February, 1835.

The Board had already been advised that ill-health would compel Dr. Hall to resign his commission as governor; and believing that the colony was so firmly established as to permit him to leave its affairs in other hands, he applied for leave to return to the United States. This was granted, of course, but with great reluctance and regret.

Looking to the circumstances of his appointment; to his presence opposite Cape Palmas, with the accidental possession of the volume containing the description of it, which he was thus prepared to verify; to his letter to Dr. Ayres, which reached the Board of Managers when they were hesitating in regard to the site of a new settlement; to his arrival in Baltimore on a wholly distinct errand when there was difficulty in the choice of the leader of the expedition which his letter had so largely contributed to promote; to his most remarkable fitness for the work, and to his willingness to return on the instant to Africa to undertake it; the Board of Managers felt that in parting with Dr. Hall they lost one who had entered into their service in a manner that might be well regarded as providential.

Uncertain, for the moment, as to their future course touching Dr. Hall's successor, the Board

accepted the offer of Mr. Oliver Holmes, Jr., of Baltimore, as special agent, to proceed to Africa and receive from Dr. Hall the property of the Society, and to act as temporary governor. This he did on the 4th of February, 1836.

The temporary character of Mr. Holmes' appointment, however, made it necessary to provide for a successor to Dr. Hall, as agent and governor. Hitherto white men only had had charge of colonies from the United States in Africa. The Board were satisfied that the time had now come to place a colored man in charge; which would relieve the colonists from the imputation of being still slaves in Liberia, under a white overseer, and at the same time vindicate the belief of the Board in the competency of the emigrants to exercise with credit the functions of government. After mature deliberation they selected Mr. John B. Russwurm, of Monrovia, as Governor of Maryland in Liberia; nor had they ever any occasion to regret their choice. His salary was fixed at $1,000, and $500 was added for the maintenance and support of his household and estate as governor.

It had not been long after Dr. Hall's arrival at Cape Palmas, in 1834, before he pressed upon the Board of Managers the importance of a coin for the colony, suggesting something like the Hay-

tien coin, so much below the standard Spanish dollar that it would not be exported. "At present," he said, "every colonist, in order to purchase provisions or pay a native for work, is necessitated to have on hand a full assortment of merchandise." There were many difficulties in regard to a coin, however, and nothing was done at the time; but it occurred to the Board of Managers that as tobacco had been made a currency in Maryland; cotton, for the production of which the soil was well adapted, might be made the currency, for the time being, of Maryland in Liberia; and, accordingly, the Board passed an ordinance "to promote the growth of cotton in the colony of Maryland in Liberia; to afford a circulating medium for the same, and to provide for the general welfare thereof." The ordinance provided for an inspector of cotton, made clean cotton a legal tender, at ten cents a pound, and provided in detail the machinery required to give the ordinance effect.[1]

The Board of Managers had more than once requested the government to order vessels of the United States, on the African station, to visit Cape Palmas instead of being confined to Monrovia; and in December, 1836, the Potomac cast anchor in the

[1] This ordinance never went into effect. By the time a sufficient quantity of cotton had been raised in the colony, another plan was adopted that obviated its necessity.

harbor, adding greatly to the *prestige* of the colony with the natives, who had been altogether incredulous as to the Americans ever having any large vessels of war.

Captain Nicolson's report was most favorable, "Already," he says, "with a population of only one hundred and ninety-one colonists, they have in cultivation forty-seven farms, laid out on each side of the Maryland Avenue, beyond Latrobe, chiefly of five acres, and a farm of fifty acres, intended as a model. They have a good road of four or five miles in different directions. Mr. Wilson, at the missionary establishment in Latrobe, has under his tuition about one hundred of the native children and a few adults.[1]

In 1837, Mr. John H. B. Latrobe was elected President of the Society, an office that he held until elected President of the American Colonization Society in 1853.

On the 29th of September, the Board passed an ordinance for the redress of injuries in the colony of Maryland in Liberia. This ordinance, which occupies 105 pages of the Book of Laws, printed

[1] Before Captain Nicolson left Cape Palmas he sent to the Governor a six-pounder grenade with the carriage complete, one barrel common powder, 400 musket ball cartridges, eighteen stand of grape for six-pounders, and other most acceptable ammunition and implements.

by the Board of Managers, was prepared with great care and after much consideration by Mr. Hugh Davy Evans, as well as one for the better administration of justice, and another for the better regulation of property in the colony of Maryland in Liberia. All demonstrated the legal knowledge and great practical skill of the author. The preparation of these ordinances was a labor of love with Mr. Evans, to which he devoted his whole time; nor can this occasion be permitted to pass without paying a tribute to one of the best, the most honest and the purest members of the Baltimore bar.[1]

During the agency of Mr. Russwurm, the want of a circulating medium was not less felt than Dr. Hall had found it, and on the 10th of October, 1837, the Board of Managers resolved that for the purpose of creating a circulating medium for the colony, and in view of the disadvantages to which the colonists are subjected for want of one, and it being thought that for the present a metallic one could not be kept in the Colony, there shall be prepared notes of the Society to the amount of

[1] When Maryland in Liberia, was absorbed in Liberia proper, it became subject to the laws of the latter State, and Mr. Evans' work ceased to be valuable as binding authority; but it may still be referred to as a monument of knowledge and skill in the Library of the Maryland Historical Society.

eight hundred dollars, afterwards increased to $1,450, be signed by the President, and before issued, countersigned by the Governor of Maryland in Liberia, which shall be receivable at the government store for goods purchased there.

In order to make this paper currency, which was prepared in sums of 5, 10, 25, 50 cents and one dollar, acceptable to the natives, the Board of Managers were aided by a custom which required a purchaser to dash, or make a present of, a portion of the article bought, to each of the bystanders. It did not take the natives long to find out, that by selecting their own time for realizing these notes at the public store, they could save the objectional dashes. To help them to understand the value of the notes, a head of tobacco was engraved on the five-cent one, a chicken on the ten-cent, a duck on the twenty-five cent, two ducks on the fifty-cent one, and a goat was on the dollar note. These notes constituted the currency of the colony for years.[1]

[1] It had been intended to place a fac-simile of one of these notes in the Appendix; and the State Society's printer, or his successor, rather, who occupied the old stand and had fallen into possession of all the former's stock, was applied to, in the feeble hope that at the end of fifty years, the blocks from which the animals and the head of tobacco had been printed, might still be in existence: but it so happened that within a week only of the application they had been destroyed as worthless!

On the 15th of January, 1841, the Board of Managers appointed Dr. Hall their general agent, an office to which he added that of editor of the Maryland State Colonization Journal; and it is due to him to say that when the Board became interested in African trade on its own account, as a means of increasing its resources, its unusual success was largely, if not altogether, due to the experience, industry and integrity of their general agent.

Things had by this time settled down at Cape Palmas into the routine of a well-regulated community, and was attracting settlers whose relations were not in all respects provided for by the original ordinance. Further legislation became necessary, and on the 2nd of February, 1841, "a declaratory ordinance touching the sovereignty of Maryland in Liberia," was enacted.

This, after reciting the facts connected with the founding of the settlement, declares that under the

Constitution of 1833, Maryland in Liberia was, and of right ought to be, sovereign and independent of all authority not provided therein; that the constitution, and the laws, ordinances and treaties made under its authority were the supreme law of the land, to which all persons within the territory ought to conform; that emigrants from the United States and all persons born in the territory owed allegiance to the government of Maryland in Liberia and to none other; that residents merely, owed a temporary allegiance, without prejudice to the rights of the natives under the deeds from their kings and headmen, or treaties with them. The ordinance then declared who should be regarded as citizens; and enacted that the Government of Maryland in Liberia held its right of government and property in trust for the benefit of the citizens; and that no other person or persons in America had any beneficial interest in the government or property, which ought to be held and exercised for the purpose aforesaid.

The reason for the above ordinance was a difficulty that, in 1838, grew out of a fine imposed by a court-martial upon a colonist employed as a teacher in the Congregational Mission. The question of the sovereignty of the government of the colony was then discussed with one of the Secretaries of the American Board of Commissioners for Foreign

Missions, who visited Baltimore for the purpose; when the views expressed in the above ordinance were maintained, and were referred to in a letter from the American Board, dated July 11th, in which it was "recognized that the agents of the State Society at Cape Palmas were the government of the territory ceded to the Society by the native owners and occupants; and that the missionaries and the assistant missionaries of the Board of Missions, residing in the territory, owed the same sort of deference to the government thus instituted as would be expected from foreigners in America."

In 1841, a similar question arose in regard to the right of Governor Russwurm to require civilized young men, in the employment of the Mission from Cape Coast and Sierra Leone, to perform military duty. When the matter was brought before the Board of Managers, the Governor's right was maintained.

Looking back, after the lapse of so many years, we may regret the necessity of raising this particular question, which led ultimately to the removal of the Congregational Mission; but the condition of the colony seemed to admit of no alternative. It is well stated by the committee. "The colony," it says, "being very small in numbers, with imperfect means of defence, and surrounded

by barbarian tribes, is continually exposed to assaults or invasion, which can only be repelled by every resident exerting his utmost energy in defence of the common weal. No one, therefore, of a small colony can be exempted from that military training which alone prepares a body of civilized and disciplined men to defend themselves against a more numerous but undisciplined enemy."

Another occasion for asserting the dignity of the colonial government, grew out of an appeal by the agent of the Congregational mission to the commander of the United States ship Vandalia, for redress against King Freeman, one of whose people was charged with having robbed the mission; when an officer was sent ashore, who, after a drum-head court martial, compelled the king to compensate the damage—the agent refusing peremptorily to resort to the colonial court for redress. As a matter of course, the Board of Managers protested against the proceeding to the American Board; when the latter at once admitted that an apology was due to the Society and to Governor Russwurm; attributing the occurrence to the absence of the chief of the mission, and the recent arrival and ardent temperament of the party committing the offence.

It is interesting to examine the record of the proceedings of the agent and Council at this period,

to observe how well the interior government of the colony had been provided for, and how smoothly the machinery was working; for example:—

On the 13th of April, 1839, "road masters were appointed, to have the same power as the select men. Fines were imposed for non-attendance at quarterly parades. On the 9th of December, preparations were made for celebrating the anniversary of the colony, February 22nd. Six guns were to be fired at sunrise to denote the age of the colony; thirteen at noon to denote the original number of the United States; and the same number at Mount Tubman, a settlement at the end of the Maryland Avenue, five miles inland. At the same meeting, Captain Anthony Wood, of the Latrobe Artillery, was appointed major of the military forces of Maryland in Liberia; and an order was passed that the committee on the subject meet on New Year's Day to award the premium to the owner of the best cultivated farm.

On the 28th of August, 1840, to shoot at, or kill deer or other game on the Sabbath was prohibited, under a penalty of ten dollars, one half to the informer.

These references are of interest in the same way that one is interested in watching the processes of bees in their glass hives.

Among other resolutions of the Governor and Council, about this time, was one imposing a duty

on imported articles and establishing an anchorage charge. So far as it fixed the import duty, it was revoked by the Board of Managers. The subject was a very important one, requiring grave consideration and involving the preparation of a system full of details, and to be adopted only after mature deliberation. In withholding their assent the Board, however, promised to take up the subject at an early day.

In their 10th Annual Report the Board of Managers say, "that at the end of seven years they can speak with confidence of the temperance principle, which they had made fundamental in the constitution; and they firmly believe that, under Providence, the remarkable success that has attended the settlement—a success to which history affords no parallel—the harmony that has prevailed between the colonists and the natives, are to be attributed to the strict observance of the colonial law in this respect."

In 1843, the colony had begun to attract visitors, who claimed exemption from its laws; and on the 24th of January an ordinance was enacted "for the better maintenance of the authority of the government of Maryland in Liberia," which provided that all persons above the age of fourteen years who should arrive in the colony, except com-

manders, officers, and other persons attached to vessels of war, and the masters, supercargoes and officers and seamen of merchant vessels, and such passengers as merely called with no intention of remaining, should report themselves within ten days after their arrival to the colonial secretary: and the ordinance went on to provide the mode of carrying the law into effect, and enacted further, a mode by which colored persons might become citizens.

The above ordinance is referred to as showing that the authority of the Board of Managers in Africa was not always, in the beginning, admitted as frankly as it had been by the missionary board in the discussion already spoken of.

In 1843, a light-house, that had been erected of stone not long after the settlement on the Cape, was furnished with an apparatus from England, the light being visible twenty miles at sea. Before this, light had been supplied by an iron vessel filled with palm oil to feed a wick, until something better was obtained; very much in the same way that the headlands of Great Britain were lighted by fires kept burning in iron vessels in the olden times.

On the second of November, 1843, the Board of Managers complied with their promise, and sent to

the colony an ordinance "to raise a revenue for the support of government in the colony of Maryland in Liberia, and for other purposes." This, before going into operation, was submitted to Governor Russwurm and its provisions were made known to the colonists. These desired that, "if any duty was to be levied," it should be upon sales and not upon imports. On this point the Board would not yield. Such a duty as the colonists preferred was essentially an excise, requiring for its enforcement a power to collectors to make searches, administer oaths, and exercise authority inconsistent with liberty.

The time spent in these discussions, however, was not wasted. A tariff of duties was at last fixed which was satisfactory, when accompanied with a warehouse system, which obviated the objection that only those who could afford to advance the duties could engage in trade.

Finally, an ordinance was passed on the 9th of July, 1846. The forms were those in use in the United States, adapted to the circumstances of the colony. In the preparation of both ordinances the Board of Managers had the assistance of a member of the committee, Dr. James H. McCulloh, long deputy-collector in the Baltimore custom house, a gentleman distinguished not only for his moral worth, but for his great learning and

research. It is not necessary to enter into the details of a tariff which has long since ceased to exist, or to have other interest than as showing the nature of the duties of the Board of Managers while executing their sovereign powers in promoting the happiness and prosperity of a people which finally became an independent nation under their auspices.

The revenue from the tariff for the first seven months after it went into operation was $500, and the following year's estimate was $1,200.

In their report for 1845, the Board of Managers were able to announce that the Society was out of debt, awarding to Dr. Hall, the home and general agent, the credit due to the judicious economy on both sides of the Atlantic that had produced this result.

In 1845, the State of Maryland had not extricated herself from the condition in which she was placed by the failure, in 1837, to meet the interest on her public debt; and on the 18th of January, 1845, the chairman of the committee of ways and means, of the House of Delegates, wrote to the President of the Society to know, whether the annual contribution of $10,000 could not be dispensed with. "There is a disposition," the chairman says, "to convert it from that object to the

payment of interest on the public debt, and the committee are directed to enquire into the expediency of doing so. If possible to spare the money, do not throw any impediments in the way. The public mind is much tranquillized by these small savings."

In reply, after enumerating the sources of income on which the Society relied, independent of the State's appropriation, and going somewhat in detail into what had been accomplished, exceeding anything that had ever been effected, not only in Africa, but even in America; and dwelling upon the fact, that it was in reliance that the legislation of 1831 would not be interfered with, that the colonists left their old homes to establish new ones in Africa,—the President concluded by stating "that he could not believe that any saving that could be effected by diverting the appropriation would tranquillize the public mind as much as it would be disturbed by the loss of the colony upon whose future availability the prosperity of Maryland might most materially depend."[1]

It was with a feeling of great relief that the Board of Managers saw the Legislature adjourn without affecting the law of 1831. In truth, however, there was less risk than had been imagined. When the matter came to be

[1] This letter was written forty years ago, when public sentiment was very different from what it is to-day.

talked over among the members of the Legislature, as was afterwards ascertained, the very weakness of the colonists became a power when it appealed to the good faith and honor of Maryland.

Year after year collections had been made for the especial object of building a vessel for the use of the Society, but the amount had been comparatively insignificant; nor did the idea take a practical shape until after Dr. Hall became the general agent of the Society; when on the 25th of February, 1845, the Chesapeake and Ohio Trading Company was incorporated, "to carry on and maintain a line of packets between Baltimore and Liberia, and for carrying on lawful commerce on the coast of Africa." As soon as the company was organized, the State Society made over to it these collections, and agreed to guarantee an amount of freight and passage money annually of $2,000. This, with prior subscriptions, sufficed; and on the 9th of November, 1846, the Board of Managers attended the launch of one of the handsomest vessels that ever sailed from the port of Baltimore, duly christened the Liberia Packet.[1]

About this time the Board of Managers were asked to receive as an emigrant a person who had

[1] The Liberia Packet made 12 voyages to Cape Palmas. She was found to be too small for the increasing trade and was sold after the last voyage.

been convicted of a minor offence and pardoned on condition of emigration to Maryland in Liberia; and although their sympathies were with the individual, under some peculiar circumstances, the Board refused the application. To admit that the punishment of crime could be condoned by becoming a colonist, would place the colony in a light that the Board of Managers could not permit.

Although it had been deemed necessary to give to the agent, in the early days of the colony, certain judicial powers; yet it was necessary after the growth of the settlement in numbers and its extension inland, to separate the functions of the executive and judiciary; and on the 18th of May, 1847, an ordinance to that effect was enacted "for the better administration of justice in the colony of Maryland in Liberia," providing for the appointment by the State Society of a chief justice, to have all judicial power and authority not expressly prohibited or conferred upon others; for a court of monthly sessions; for the clerk, prescribing his duties; for an orphans' court, with the chief justice its chief judge and the register of the colony its clerk; for fixing the commissions of administrators, guardians and insolvents' trustees; making the chief justice presiding officer of the court of monthly sessions; requiring justices of the peace to send parties convicted of any offence to the chief

justice for sentence to labor on the public farm; providing for the absence of the chief justice; for vacancies in his office; for two associate judges of the court of monthly sessions; for admitting practitioners of law and for the repeal of inconsistent ordinances; and on the 6th of September, following, William Cassell was appointed chief justice.[1]

On the 14th of August, in the same year, the Board directed that "the ordinances passed up to that date, and printed by John D. Toy, under the supervision of Hugh Davy Evans, Esquire, should be confirmed as the laws of Maryland in Liberia, and that the book containing them, entitled, "The Constitution and Laws of Maryland in Liberia," with an appendix of precedents, published by the authority of the Society, second edition, is hereby approved and declared to be a standard edition of the said constitution and laws."[2]

Governor Russwurm having applied for leave of absence to visit the United States, Dr. Samuel F. M'Gill was appointed assistant agent in his absence on the 7th of April, 1848.

[1] Mr. Cassell had been one of the first settlers by the Ann; and after a residence of some years at Cape Palmas, returned to Baltimore to read law in the office of Hugh D. Evans, where he became, with Mr. Evans' special assistance in his studies, prepared for the office now given him.

[2] Copies of this volume were directed to be deposited in the Maryland State Library, at Annapolis, and in the Maryland Historical Society, where they are now to be found.

The members of the Board of Managers took advantage of Governor Russwurm's presence in Baltimore to make his personal acquaintance. They gave him a dinner at the principal hotel in the city, at which there were no absentees; and there was not one present who was not impressed by the grave, courteous and dignified bearing of the agent whose wise and prudent conduct of the Society's affairs in Africa had given such satisfaction.[1]

In 1850, the colony had been fifteen years in existence; and religious associations had been formed among the colonists that seemed to call for a mode of organizing them by law; and on the 18th of January an ordinance was enacted "to enable the citizens of Maryland in Liberia more conveniently to provide and maintain, at their own expense, public worship," enabling male persons of 21 years of age, belonging to any religious society, to make rules for their government in writing, and generally to have the authority ordinarily conferred in such cases.

[1] One, with difficulty recalls, now-a-days, the sensation that the idea of this dinner to a colored man in 1847, produced in Baltimore. It was ludicrous to see the astonishment of the Irish waiters, who surrounded the table at "Page's Hotel," when they were called upon to render the same service to a colored man that they were in the habit of rendering to the many socially prominent citizens who were his hosts.

At a meeting of the Board of Managers, held on the 21st of October, 1851, intelligence was received of the death of Governor Russwurm, who died at the Government House at Cape Palmas on the preceding 9th of June. He had held his office since 1836, with honor to himself and greatly to the advantage of the Society. Deeply impressed with the loss they had sustained, the Board of Managers deemed it proper to send an address to the citizens of Maryland in Liberia; in which, among other things, they say, in reference to his having been the first colored governor of a colony from the United States on the coast of Africa, "if white men have ceased to hold office or exercise authority among you, it is because the capacity of your race, if ever doubted, to fill the highest political offices with rare ability, has been vindicated by Governor Russwurm. . . . In the long career of happiness and prosperity which is opening to Liberia, its highest offices will doubtless be filled by people of worth and talent. But great and distinguished as these may be, their possessors may always resort with profit to your earliest history to gather from the records of Governor Russwurm's life the most honorable examples of prudence, wisdom and integrity."[1]

[1] At the same meeting it was resolved that a monument to the memory of Governor Russwurm should be erected at Cape Palmas. This was done at once. The design was an obelisk, on a heavy granite base, on which were

The assistant agent, Dr. Samuel F. M'Gill, was now acting governor; and in his despatches of July 12th, 1852, announced the prospective abolition, at last, of the sassa wood ordeal. A violent assault on a colonist who had endeavored to rescue a native woman from the Gree-gree man, was taken advantage of by Governor M'Gill to insist on a palaver, at which power was given to the colonial authorities which would have the effect of abolishing the custom.

On the 3rd of May, 1852, the General Assembly of Maryland continued the Act of 1831 for six years, "it being desirable that the appropriation of ten thousand dollars, per year, should be renewed and continued, so that the policy of the State in providing a home in Africa for the emancipated slaves and free colored population, and for their removal thither, may be carried on." The Board of Managers could have had no better proof of the satisfaction with which their proceedings were regarded than was thus afforded by the Act of 1852.

engraved the following inscriptions. On the north side, "In memory of John B. Russwurm, born 1799, died 1857;" on the south side, "Able, learned and faithful—an honor to his race;" on the east side, "The first Governor of African descent appointed in Liberia;" on the west side, "Erected by the Maryland State Colonization Society, as a tribute of respect for eminent services." The design of the monument, as erected, is shewn in the Md. St. Col. Journal, vol. 6, p. 349.

As might have been anticipated, the continued prosperity of the colony since its establishment in 1834, and the irksomeness of dependence upon remote legislation and control, had begotten a desire for independence that manifested itself by an address to the Board of Managers, dated November 15th, 1851, from a committee of the most prominent and useful citizens.

"The people," say the committee, "wish the Board to know that all they do is intended to meet their approval:" and then the committee go over the whole ground in a well prepared paper, which, on the 27th of July, was presented to the Board of Managers and referred to a committee, of which Mr. Charles Howard was chairman; and which reported, "that while on many accounts it would have been desirable that existing relations should remain on their present footing until the colony should have realized a larger emigrant population, and by a further development of its resources, have been prepared to assume a more commanding position as an independent nation, yet, the entire political separation which had taken place between the old Colony of Liberia and the Parent Society, and the recognition of the former and making treaties with it as an independent and sovereign power by England and France, had given to it a prestige which did not attach to our colony, and convinced the committee that the old colony

would continue to attract to itself by far the greater part of the most enterprising and best informed emigrants from the United States and from Maryland, until the citizens of Maryland in Liberia shall have assumed the same position by becoming independent of all foreign jurisdiction."

The committee, then, after expressing their preference for the formation of such an union with the elder colonies, as exists between the States of the United States, recommended, as a precedent, the course pursued in the separation of the older colony from the American Colonization Society.

Whereupon, it was resolved, that the citizens of Maryland in Liberia be advised to call a convention to prepare a constitution to be submitted to the people, and that they appoint commissioners to visit Maryland to agree with the Board of Managers upon the terms of the separation.

In due season, the chief justice, Mr. Cassell, and Mr. William A. Prout appeared in Baltimore as commissioners; and on the 12th of January, 1854, presented their credentials to the Board along with the constitution adopted by the people. This, after much discussion, was approved with a single exception. The temperance clause had been omitted; and not being willing to reject the entire instrument on this account, the Board of Managers contented themselves with saying that they trusted

that upon further reflection the people would reconsider their action, and would not abandon that part of their fundamental constitution which had so long tended to promote good order, morality and religion in the colony.[1]

Then followed the agreement, dated February 14th, 1854, between the Maryland State Colonization Society on the one part, and William Cassell and William A. Prout, Commissioners of the People of Maryland in Liberia, of the other part, which, if duly ratified within the space of twelve months by the people of Maryland in Liberia, was to be binding on the Society and on the government and people as aforesaid. See Appendix.

1. The Society agreed to cede all its public lands within the territory to the people and government of the republic, subject to the following conditions.

All future emigrants were to be allowed a farm lot of ten acres, or a town lot of one-quarter of an acre, in any new settlement. In future sales by the government, of public lands, every alternate farm, or section, or square mile to be left to be assigned to emigrants.

[1] It is proper to say that the citizens of Maryland in Liberia did reconsider their decision; and when their constitution was returned to them, they restored the prohibition of the use of or traffic in ardent spirits which they had stricken out.

Sales were to be by auction to the highest bidder. If public sales could not be effected private sales might be made.

The tracts reserved for emigrants might be exchanged for others of equal value, or sold; the proceeds to be devoted to public education.

Ten per cent. of all public sales of land were to be appropriated to the use of schools or for educational purposes.

The Society to have the right, as at present, of locating emigrants in any present or future settlements.

New settlements were to be made by the concurrent agreement of the government and the Society.

Land held for the use of emigrants to be exempt from taxation.

In the case of recaptured Africans, the Society were to have the right to claim and have set apart for their use, one hundred acres, as the Society might require, out of the public lands.

The Society to retain the public store and adjoining wharf, and the west half of the public farm.

All the property of the Society, with improvements made thereon, to be exempt from taxation while in the Society's hands.

2. The Society to introduce, free of duty, stores for the use of emigrants, or to be sold for provid-

ing for them. The Society's vessels to be free from anchorage or light duties.

3. Recaptured Africans to be admitted, should the United States require it, and provide for their support.

4. The Society gives to the government the governor's house, and public offices, forts and munitions of war and the warehouse belonging to the Society. All property not ceded by the articles to be reserved and disposed of by the Society at its discretion.

5. Future emigrants to have the same privileges as the present ones.

6. A merger by the present Society in a different one not to affect rights under the agreement.

7. The agreement to be modified by mutual consent; and, to go into effect on being ratified by the people of Maryland in Liberia.

With the execution of this agreement and its ratification by the people which followed in due course, the work of the Maryland State Colonization Society, although still incomplete as far as it related to the emigration from the State, came to an end, by the establishment of a free and independent nation, a member of the family of nations on the west coast of Africa, to which emancipated slaves or free colored people from Maryland might go, either at their own expense or with means still furnished by the State.

To facilitate their earlier progress, by aiding the authorities of the new government to pay the cost of their civil list, the State Society contributed, in the beginning, under a separate agreement, the particulars of which would have no interest now.

All that has thus far been described was within the personal knowledge of the writer, either as corresponding secretary of the State Society, up to 1837, or as its president, up to 1853, when he became president of the national institution; and as has been already suggested, it is this personal knowledge, which, at all events, facilitates the understanding of recorded proceedings, that has made it seem to be the duty of the writer to narrate a history, which, having no place in the history of the State up to this time, might otherwise be lost. What took place after 1853 was under the wise and admirable administration of the late Mr. Charles Howard; a noble gentleman, an upright Christian man, whose correspondence and reports in the records of the State Society afford the amplest evidence of the worth and ability of the president; and yet both Mr. Howard and his predecessor would have been comparatively feeble in the management of the affairs of the Society in Africa, and its business transactions in America, had not both enjoyed the benefit of the services of Dr. James Hall, the founder of the colony after he

had vindicated the suggestion of its site, and after 1841, the general agent and manager of the Society.

On the 29th May, 1854, an election of Governor of "the State of Maryland in Liberia," as it was now called under the popular constitution, was held, and William A. Prout was elected Governor, and William S. Drayton Lieutenant Governor; Senators, Representatives, a High Sheriff and a Coroner were elected at the same time, and Thomas Mason was appointed Secretary of State. On the 8th June, 1854, the Governor was inaugurated, and Dr. Samuel F. M'Gill, the acting Governor appointed by the State Society, and its agent, administered to him the oath of office, and relinquished the government into his hands.

On the 9th Governor Prout was presented to the native kings and headmen; the change that had taken place was explained and "dashes" were given proportionate to the occasion. "*Le Roi est mort, vive le Roi.*"

The independence of the State of Maryland in Liberia did not by any means terminate its relations to the State Society. The State's appropriation was not exhausted, and emigrants were still sent from Maryland. The business in the way of

trade, that had contributed so largely to the means of the State Society still continued. The legislative functions of the Board of Managers had come to an end; that was all. Hereafter it could only advise. The infant had attained its majority, and the guardian's right to command had ceased.

While reference is made here to the State's appropriation, it would be a great mistake to suppose that the State Society had been altogether dependent upon the $10,000 per annum in accomplishing the results that have been here described. A balance sheet made up to December 31, 1857, for example, showed a credit to profit and loss of $139,972.31, over and above collections, amounting, at that date to $45,385.74; and, in all the reports of the commissioners of the State fund under the Act of 1831, care is taken to state that the contributions of the State Society to the general object had enabled the commissioners to devote the whole of the State's appropriations to the transportation of emigrants and to providing for their reception in Africa, all the expenses of the government there, and of the Society in America, being otherwise provided for.

Governor Prout died during his term of office, and Lieutenant Governor B. S. Drayton took his place. It was under his administration that the

native war began which was the immediate cause of the absorption of the new State into the older one of Liberia proper. Without the cautious and sagacious and patient temper of his predecessors, Governor Drayton's course has been said to have brought on a conflict resulting in many deaths on both sides, which made it necessary to apply to the authorities at Monrovia for assistance. It so happened, most remarkably, that when the application came, Dr. Hall happened to be at Monrovia in the Mary Caroline Stevens[1] on a visit to Africa. With his usual energy and with means belonging to the State Society at command, he at once supplied what was wanting to equip 115 uniformed troops that he carried in the Stevens to Cape Palmas, where his influence, that had not yet died out, backed by military force, soon produced peace, and a treaty was concluded with the natives on equitable terms.

[1] The Mary Caroline Stevens was built in Baltimore for the American Colonization Society. Mr. John C. Stevens, of Talbot County, Maryland, had made the munificent donation of $37,000 to be appropriated to the building of a vessel to be held in trust for colonization purposes. It was first proposed by Mr. Stevens that the Maryland State Society should become the recipient of his bounty, and be the beneficiary owners of the vessel; but he was advised that the State Society would not be justified in keeping such a ship constantly employed; the title of the vessel was accordingly vested in three officers of the American Colonization Society, to be held in trust for it; while, by stipulations with the State Society, the latter secured the right to transport emigrants by her. She sailed on her first voyage at the close of November, 1856. This vessel continued in the trade for six years, when she was sold and replaced by the Golconda, of greater capacity.

Prior to this war, the question of annexation to Liberia proper had been mooted among the citizens. The war and the value of the assistance rendered from Monrovia settled it; and it was not long before negotiations were begun which ended in the absorption of the territory, that had been acquired from time to time by the State Society, into the Republic of Liberia, as Maryland County.[1]

In 1858, the Legislature continued the appropriation for colonization purposes under the Act of 1831 for five years, reducing the amount however to $5,000 annually; and there had been three payments at this rate when the late Civil War broke out. The whole question of slavery then assumed a new aspect; and the commissioners of the State fund, under the belief that the Act of 1858 had been abrogated virtually by the course of events, made no requisition for the last two payments.

Ceasing to have any peculiar interest in the colony at Cape Palmas when the new State of Maryland in Liberia ceased to exist, the activity of the State Society died out; and realizing after a negotiation with the American Colonization Society the sum of $6,000 out of a loan to it when the Mary Caroline Stevens was on the stocks, the

[1] For the acquisitions of the State Society, see Appendix.

State Society invested it in Pittsburgh and Connellsville 7 per cent. railroad bonds, which are held by Dr. James Hall, trustee for the benefit of the "Hall School" at Cape Palmas; and the interest on which is regularly collected by the Liberian authorities, and appropriated to the salary of $300 to the teacher, and the other expenses of the school.

The organization of the State Society still continues, but it is only in connection with this trust.

Here, the episode of the State of Maryland's action in connection with African colonization, and of the sovereignty which a Society acting under its auspices exercised for twenty years in Africa, might end; but it may not be uninteresting to describe the appearance of things at Cape Palmas when the government there passed into the hands of the successors of the State Society, as well as to say a few words in regard to the collateral advantages which the chief city of the State derived from the operations of the Society during its active existence.

The extent of improvements at Cape Palmas soon after Dr. Hall had taken possession have already been described. A word more in regard to it at the date of independence.

In the town of Harper, on the Cape itself, besides the Government House, which had been largely added to and improved, there was a stone light-house, whose lantern, visible twenty miles at sea, had been imported by the colonists from England. Hard by, were the Episcopal Orphan Asylum and St. Mark's Hospital, the former a frame building, three stories high, a conspicuous landmark; the latter a substantial stone structure. Between these and the Government House were a number of private residences; and below the Cape on the river shore, were four stone warehouses and a wharf of the same material. The native village of King Freeman still occupied its old position on the brow of the Cape, inland. Standing here, overlooking the scene of Popo's rescue, the eye followed the Maryland avenue extending towards the interior, some five miles, to Mount Tubman and its stockade fort. On either side of this were farm-lots of the colonists. The avenue, which was a well-bridged and graded road, kept cleared by constant travel, passed by the Baptist Mission and the Protestant Episcopal Mission stations, the public farm and jail. In the village of Latrobe, at the seaward end of the avenue, were St. Mark's Episcopal church, with its adjoining brick school-house, the Methodist church, the Mission house, and a fine two-story stone school-house, together with the site of the Congregational Mission, so pleasantly de-

scribed by Mrs. Wilson in the letter already quoted. The houses in the village were comfortable dwellings, with gardens in front. Beyond the village was Sheppard lake, of which a glimpse was had with a background of heavy tropical forest, from the luxuriant verdure of which the eye wandered to the ocean, with its waves breaking upon the narrow beach that separated it from the lake. From King Freeman's town, in another direction, Hoffman river was seen, with the receptacle for new emigrants and the public farm upon its banks. Add to this the comfortable dwellings of the colonists scattered here and there throughout the settlement, and lovely as the spot was described to be in its earlier aspect, it had lost none of its beauty when civilization had set its mark upon it.

The original territory had been greatly enlarged, and at the date of independence reached from the river Sesters, on the windward, to the river San Pedro, on the leeward coast, and extended, after annexation, the leeward boundary of Liberia to the last-named river.

With regard, now, to the value to Baltimore commercially of the operations of the Maryland State Colonization Society, directly and indirectly, during the thirty years of its active existence, as well after as before the colony became independent.

During this time, shipments from Baltimore required for the use of the colony or for the trade connected with it, amounted to upwards of one million dollars; to which are to be added shipments for the American Colonization Society equal to half a million more; a business that ceased altogether when it was no longer done in Baltimore, but went to New York and Norfolk, which had controlled it prior to 1834. At the same time, there were built in Baltimore, for and under the auspices of the State Society, eight vessels costing $113,000, and bought for it vessels costing $22,000, in all $135,000; and in addition to this eighteen vessels were chartered. After 1852, nearly double that number were chartered and sailed from Baltimore on account of the American Colonization Society. Estimating the charter parties at only $3,000 each for the above eighteen, and $54,000 is to be added to the cost of the vessels built and bought by the State Society; in a word, taking into consideration the money spent for labor, materials and merchandise in Baltimore after the passage of the Act of 1831, the amount cannot have been less than two million dollars, all on account of, or in connection with the State Society. To this should be added sailing expenses of the Mary Caroline Stevens[1] for six years at $1,000 per

[1] The figures in the above statement were furnished by Dr. Hall, and are taken from the books of the State Society.

month, $72,000, and of the Liberia Packet, six years at $700 per month, say $50,000, in all, $122,000, without calculating interest on the cost of the vessels,—all distributed in Baltimore. Taking all this into consideration, the importance of the State Society in a commercial point of view was not to be disregarded.[1]

After the absorption of the "State of Maryland in Liberia" into Liberia proper, its memory faded until the scant notice in the history of our State, already referred to, seems to have been regarded as all sufficient in this connection. Vessels came and went by Cape Palmas, and availed themselves of the light-house built there by the colonists, in utter ignorance of the circumstances attending its existence. In the meanwhile, however, a change in the public mind in regard to Africa had arisen. The necessity for new markets for the ever accumulating over production of manufacturing civilization had drawn the attention of both Europe

[1] The vessels built, and their cost, are as follows: Ship Mary Caroline Stevens, $46,000; Barque Liberia Packet, $20,000; Barque Shirly, $12,000; Brig Palmas, $12,000; Schooners President Benson, George R. McGill, Moses Sheppard, $6,000 each; James Hall, $5,000. Vessels bought: Morgan Dix, $6,000; Ralph Cross, $8,000. The vessels chartered were: 1831, the Orion; 1832, Lafayette; 1833, Ann; 1834, Sarah and Priscilla, Bourne; 1835, Harmony, Fortune; 1836, Financier, Niobe; 1837, Baltimore, Niobe, second voyage; 1838, Columbia, Oberon; 1839, Boxer; 1840, Chipola; 1842, Globe; 1843, Latrobe; 1845, Kent.

and America to the comparatively virgin field, in this respect, that Africa might afford; and when the explorations of Livingstone and Stanley had thrown light upon it, the European nations, almost without exception, under the lead of the King of the Belgians, at once sought to make it available. The result was the formation of the International Association, that has since, with the coöperation of the late Berlin conference, provided for the establishment and maintenance of the Free State of the Congo. The preliminary proceeding here, was to repeat what the Maryland State Colonization had shown to be practicable—treaties with the native kings—who, on both banks of the Congo, respectively, transferred by treaty to the new State, rights and privileges similar to those that King Freeman and his head men gave to the State Society in February, 1834; and the experience of both the old and the new settlements in Liberia has been again and again referred to, as obviating the necessity of resorting to the old writers on international law to justify the steps taken or about to be taken, to introduce colonization and its attendant blessings into the innermost recesses of the Dark Continent. On one occasion, when the question of the recognition by treaty of the flag of the Free State by the United States was before the Senate, an opportunity was afforded, at the residence of the Honorable Henry S. Sanford, acting

for the International Association, to tell the story of the settlement at Cape Palmas—to exhume, as it were, an incident which none present had ever heard of. On this occasion it was evident that an interest was excited which it is not unreasonable to suppose may have affected the senators and representatives who were present in connection with their subsequent action upon the subject. At any rate, it was pleasant to find that, after thirty-odd years of forgetfulness, what Maryland had done was both appreciated and admired; and it was this which has, perhaps, quickened the long deferred intention of preserving, while it might still be done, the memory of a good work of the State of Maryland.

APPENDIX.

EXTRACT

FROM THE PROCEEDINGS OF THE ELEVENTH ANNUAL MEETING OF THE AMERICAN SOCIETY, HELD JANUARY 19, 1828, IN THE HALL OF THE HOUSE OF REPRESENTATIVES.

At 7 o'clock, the chair was taken by the Hon. Henry Clay, one of the vice-presidents of the Society. Fifteen auxiliary Societies were represented, the delegates from the State Society of Maryland being Charles C. Harper and John H. B. Latrobe.

Among other proceedings, the following resolution was offered by Mr. Latrobe:

"*Resolved*, That the Board of Managers be directed to ascertain in the course of the coming year, if possible, the practicability of obtaining territory for colonial settlements at Cape Palmas, and the Island of Bulama, on the south-west coast of Africa."

In support of this resolution, Mr. Latrobe said: "An inspection of the map of Africa will satisfy you, Mr. Chairman, of the importance of these two points with reference to the future operations of the Society: and their commercial advantages being great, an early attempt to secure them may perhaps prevent their falling into other hands and enable the Society to use them when the time shall have arrived at which they may be used with advantage. . . . . .

"Cape Palmas is at that part of Africa where the coast, after pursuing a course due east and west from the Bight of Biafra, trends in nearly a north-west direction, and passing by Liberia, continues in an almost uninterrupted line to Cape Roxo. The

Island of Bulama, in the mouth of the Rio Grande, is near the other extremity of the south-west coast, within a short run from the Cape de Verdes, and one of the points of the coast most easily made by vessels from this country.

"By possessing Cape Palmas, we would hold the commercial key of the south coast of Africa, and the countries immediately in the interior, down as far east as the Bight of Biafra; and a colony there would, in a few years, become a great depot for all the articles of foreign produce and manufactures which would be required by inhabitants of the nations eastward of the settlement. This will be the effect of a physical cause, which is certain and unchanging in its operations. The trade winds, pursuing the general outline of the African coast, render a return northward from the eastward of Cape Palmas, along the coast, extremely difficult at all seasons of the year, and more particularly so in the rainy season, when the difficulty of taking observations, and the numerous and varying currents prevent vessels from knowing their exact situation, and expose them to constant danger of shipwreck. From Cape Palmas, or any point to the northward of it, it is comparatively easy to return to the Cape de Verdes, and so home at all times; but Cape Palmas once passed, the danger and difficulty commence, and disastrous shipwreck or a shattered vessel is too often the consequence of a return voyage from a point beyond it. Were a settlement made at Cape Palmas it would, like Monrovia, soon become the resort of the surrounding nations, and merchants would prefer leaving their goods at such a market, to running the risks of proceeding further eastward, even with the hopes of enhanced profits. Paths would first be made, highways would follow, until the uncivilized nations of the Ivory coast and Gold coast, passing by the feeble settlements of Cape Coast and Elmina, would resort to meet civilization at the nearest point of safe approach—the Americo-African city at Cape Palmas. A great and prosperous trade would be the consequence; and the facilities of gain would soon fill the new settlement with

industrious inhabitants. Beside the commercial advantages of Cape Palmas, its road and anchorage are said to be the best between Montserrado (Mesurada) and the Volta; and the surrounding country is rolling and fertile, intersected with numerous small streams fit for the motion of mills. Being the southern extremity of the south-west coast, it will form also a natural boundary to that empire which, we all hope, will one day arise in Africa."[1]

AFRICAN DEEDS,

TO THE

MARYLAND STATE COLONIZATION SOCIETY.

Deed No. 1.

FROM KING FREEMAN AND KING WILL, OF CAPE PALMAS.

Executed the 14*th February*, 1834.

Know all men by these presents, that for considerations hereinafter mentioned, we, King Freeman, alias Parmah, of Cape Palmas, king Will, alias Weah Boleo, of Grahway, and King Joe Holland, alias Baphro, of Grand Cavally, have granted and sold, and do by these presents, grant and sell to the Maryland State Colonization Society, of Maryland, in the United States of North America, the following tract of land of which we are law-

[1] It is amusing in these days to see the calmness with which the south-west coast of Africa was thus appropriated; especially in the light of what the civilized world is now doing to obtain foothold everywhere or anywhere on the continent, coast or inland. But the fact is, that 57 years ago, so little attention was paid to Africa, so little was known about it, that it was a fair field for all sorts of speculations. Those of the speech of the Maryland delegate had this value practically; that they caused, as detailed, the intelligent examination which led to the establishment of Maryland in Liberia—which affords the only excuse for their mention here.

fully seized at this time by right of possession and descent, viz.: Commencing on the sea beach, about three miles to the north-west of Cape Palmas, at a cocoa-nut tree, known as the large cocoa-nut, separating this territory from that of the king of Rock Town, thence running in about an east north-east direction, one day's journey, until it shall reach the territory of Kava, king of the interior; from thence running east south-east, six hours walk, until it shall reach the town of King Tom on the Cavally river; from thence down the Cavally river to its mouth; then running along the beach, passing the town of Cavally; Grahway and Cape Palmas to the point at starting, viz.: the large cocoa-nut tree; including all the rivers, bays, creeks, anchorages, timber and mines, on the same, excepting as follows: A tract of land deeded, and given sometime since, by the above named King Will, alias Weah Boleo, of Grahway, to King Yellow Will, of little Cavally. Also excepting so much of the said territory as is now under cultivation by the inhabitants thereof, or such places as are occupied by us or our dependents, as towns and villages; reserving also the right of passing and repassing up and down all rivers and creeks, and of traversing all sections of the country not inhabited by the colonists of the said Society; the said Society to have, and to hold the same for its own special benefit, and behoof forever; and we do agree to warrant and defend the same against the claims of all persons whatever; and it, the said Society shall have power by its factors or agents to exercise all authority in the above named territory, reserving to ourselves and our descendants the right of governing and setting all palavers among our own people so long as we shall see fit to occupy any part of said territory. And we do hereby acknowledge ourselves as members of the Colony of Maryland in Liberia, so far as to unite in common defence in case of war or foreign aggression.

We do also acknowledge the receipt of the following articles of Merchandise of James Hall, Esquire, agent of the said Society and governor of said territory, as a full and ample compensation therefor, viz.: 4 Cases of Muskets, 20 kegs Powder, 110

pieces of Cloth, 10 Neptunes, 10 Brass Kettles, 20 Hats, 100 Cutlasses, 200 lbs. Beads, 1,500 lbs. Iron Pots, 6 doz. looking Glasses, 4 framed ditto, 24 Iron bars, 100 trade knives, 100 wash basins, 3 Hogsheads tobacco, 10 Boxes pipes, 2 kegs flints, 6 Dozen Locks, 24 Decanters, 50 Tumblers, 50 Wine Glasses, 24 stone Jugs, 10 Demijohns, 3 suits of Clothes, 3 cocked hats, 25 Razors in Cases, 50 Pitchers, 50 mugs, 50 Bowls, 3 pr. Brass barrelled Pistols, 1,000 Fish Hooks, 50 pr. Scissors, 50 Spanish Dollars. And I, the said Hall, do, in the name of the said Society, guaranty to the said kings and their dependents the above reserved rights, and further, that neither themselves nor property shall be trespassed upon or molested in any manner whatever, and no lands under cultivation, or towns or villages shall be taken from them, except by special contract; paying the desired remuneration therefor. And I do further agree, for and in the name of the said society; that free schools shall be established for the benefit of the children in each of the following towns, in one year from the date hereof, viz.: One at Cape Palmas, one at Garroway, and one at Grand Cavally.

This instrument, with a duplicate thereof, is executed at Cape Palmas, this fourteenth day of February, One Thousand, Eight Hundred and Thirty-four.

KING FREEMAN, *alias* PARMAH,
Of Cape Palmas.
KING JOE HOLLAND, *alias* BAPHRO,
Of Grand Cavally.
KING WILL, *alias* WEAH BOLIO,
King of Grahaway.
JAMES HALL, *Agent,*
Maryland State Colonization Society.

Signed, sealed, and one copy delivered to King Freeman, and one to James Hall, Agent of the Maryland State Colonization Society, in presence of JAS. M. THOMPSON and GEO. R. MCGILL.

SUPPLEMENT AFFIXED TO THE ABOVE DEED OF TERRITORY FROM THE KINGS OF CAPE PALMAS, GRAHWAY AND GRAND CAVALLY.

We, whose names are hereunto affixed, head men of Cape Palmas, Grahway, and Cavally, ratify and confirm the foregoing contract made by our ——— with James Hall, Agent of the Maryland State Colonization Society, this thirteenth day of February, One Thousand Eight Hundred and Thirty-four.

U–AH–YOH, *Governor of Cape Palmas.*
JUMBO, *Soldier King.*
GEOH, *Gent. and headman.*
KIBROH, *Governor of Grahway big town.*
GELAH, *King's mate and Governor of Half Cavally.*
SEEK, *Pioneer of the Expedition.*
BALLY, *King's mouth or interpreter.*
NEAH, *Palaver-house man.*
OORAB, " "
DEWEY, " "

Attest:
JAMES M. THOMPSON.
GEORGE R. MCGILL.

CONFIRMATION BY THE HEADMEN OF GRAND CAVALLY.

Grand Cavally, West Africa, May 20, 1834.

We, the undersigned headmen of Grand Cavally, do, by these presents, notify and confirm the contract made by our king, Joe Holland, *alias* Baphro, in ——— with Will, *alias* Boleo, king of Grahway, and Freeman, *alias* Pah Neemah, king of Cape Palmas, on one part, and James Hall, Agent of the Maryland State Colonization Society, on the other part, deeding and conveying all the territory now possessed or holden by us, to the said Society, reserving so much thereof as is now under cultivation, or is occupied by us as towns and villages, agreeable to the deed

executed by the above-named kings at Cape Palmas, on the thirteenth day of February, One Thousand Eight Hundred and Thirty-four.

BARVOW, *Governor of Cavally.*
TWEADAH, *Governor Note.*
TWEABEY, *King's Adjutant.*
KOLEH, *Soldier King.*
NEAHBEY, *Head trade man for River Cavally.*
JULEH, *King's Mouth.*

Attest:
ANTHONY WOOD.

Deed No. 2.

FROM KING BARRAH KEABY, OF BULYEMAH.

Executed the 21st October, 1835.

Know all men by these presents, that I, Barrah Keaby, the true and lawful king of the country, called Bulyemah, and of the Leabreh people inhabiting said Country, do, by these presents, grant, deed and convey unto James Hall, as Agent of the Maryland State Colonization Society, and through and by him, to said Society, the territory now under my authority, called Bulyemah, and bounded as follows, viz.: beginning at a large rock on the beach, about six miles East of the mouth of the river Cavally, the same being the natural bounding line between Robookah and Labou; thence running in a northerly direction (point of compass not known), one and a half days journey, or about fifty miles to the country, called Labou, governed by King Yootoo, thence running in a westerly direction to the Cavally river, at the mouth of Bohraum creek, the natural boundary line between the Nigahpoh Yeabreh people, thence down the Cavally river, including both sides on the west side to a town belonging to the Half Cavally, or Boureh people called Deamah on the east side, extending to the river mouth, thence along the

sea beach, about six miles to the rock at point of starting, to have and to hold the same, in common with my own people, and to occupy any part thereof not now in actual use as a town, village or farm, or Devil plot, with all privileges and appurtenances thereunto belonging forever. And it is further agreed by the said parties that the inhabitants of the above-named country and the king thereof, and the American citizens of Maryland in Liberia shall unite their forces in defence of their common country, and of the territory already belonging to the Maryland Colonization Society in Africa, to which this is now annexed. And it is further agreed that all palaver occurring between any two kings residing in Maryland in Liberia, or between the subjects of any two kings, shall be set by the American governor of the territory. And it is further agreed on part of the said King Keaby, that no foreigner or person not authorized by the Maryland State Colonization Society, shall reside in or make trade in any part of said territory, other than that made with canoes without the bar of the river Cavally. And further, that there shall never be in either party any obstruction to the free passage up and down, and navigation of the Cavally river with any craft whatsoever. The considerations of the above deed are as follows, viz.: *First*, The above named privileges of mutual defence; *Secondly*, The advantages accruing from trading parts being established in the same territory, by and thro' the agent of the Maryland State Colonization Society; *Thirdly*, The advantages of the schools, which the children of the native inhabitants shall enjoy in common with the American children; *Fourthly*, The general benefit which the said Keaby, executor hereof, foresees will result to his country, and the inhabitants thereof from intercourse with the American people; *Fifthly*, Such presents or dashes as he may hope to receive from the colonial agent for so munificent a donation.

Signed: JAMES HALL, *Agt. Md. St. Col. Soc.*
KEABY KING, SEAL.

Signed, sealed and delivered at Robookah, this sixteenth day of October, Eighteen Hundred and Thirty-five, in presence of NATHAN LEE and BAPHRO KING.

CONFIRMATION BY THE HEADMEN OF ROBOOKAH OF THE FOREGOING DEED.

Robookah, October 10, 1835.

We, Crah, Jeammah, Keikeh, Evey, Jimbly, Headmen for Robookah, do hereby, in presence of the king and each other, ratify and confirm the foregoing contract of King Barrah Keaby with James Hall, Agent of the Maryland State Colonization Society, and bind ourselves and adherents to observe the same.

Signed: CRAH, JEAMMAH, KERKEH,
EREH, JIMBLY.
BEN KROKO, *Headman and King's son.*
KAJEH, *Brother for river king.*
BLAGNES, *Headman for small town.*
KRABEH.

Attest:
NATHAN LEE.

CONFIRMATION BY THE KING AND HEADMEN OF PLORAH, &c., TO THE FOREGOING DEED.

Plorah, October 21*st*, 1835.

I, Tourah, liege king to Barrah Keaby, over the country called Bulyemah, and resident of Plorah, and we, whose names are hereunto affixed, headmen of said country, do hereby, of our own free will and accord, ratify and confirm the foregoing contract made between the said Barrah Keaby on the one part, and James Hall, Agent of the Maryland State Colonization Society, on the other part, and do bind ourselves, our dependents and successors

to observe the same. In witness whereof, we do hereunto set our hands and affix our seals.

Signed: KING TOUREH,
QUEDO WEAH, *Grand devil king.*
MANIE, *King Toureh's mate.*
HOTOO, *Soldier King of Ploorah.*
LEJAMMAH, *Headman of Neatoh.*
NO PLOH, *Gentleman of Plorah and Orator.*
TOJEH, *Headman of Bohoor.*
WARRAH, *Headman of Letoo.*
CRGH, *Headman of Denah.*
NEAMMAH, *Headman of the Wehnaweh.*
SEAH, *Second to Lejammeh.*

Attest:
NATHAN LEE,
LEAMMAH,
NEH.

CONFIRMATION BY THE KING AND HEADMEN OF HAIDEE TO THE FOREGOING.

Haidee, October 23rd, 1835.

I, king Gun-o-weh, Liege king to Barrah Keaby, of the Bulyemah country, and we whose names are hereunto affixed, headmen of said country, do hereby of our own free will and accord, ratify and confirm the foregoing contract made between the said Barrah Keaby and James Hall, Agent of the Maryland State Colonization Society, and do bind ourselves, our dependents and successors to observe the same.

In witness whereof we have hereunto set our hands and affixed our seals,

Signed: KING GUN-O-WEH.
JUO-EY, *King's mate.*
JAMMAH, *Governor of Haidee.*

KEABEAH, *Half Governor.*
PANAGEE-QUEEAH, *second to Keabeah.*
DADGA, *Orator.*
EDAH, *Soldier King.*

Attest:
NATHAN LEE.

Deed No. 3.

FROM KING NEAH WEAH, OF BOWREH.

Executed the 25th November, 1835.

Know all men by these presents, that I, Neah Weah, King of Boureh and Half Cavally, and we whose names are hereunto affixed, headmen of said Boureh, do hereby grant, deed and convey unto James Hall, Agent of the Maryland State Colonization Society, and by and through him to said Society, the territory now under our jurisdiction called Boureh, and bounded as follows, viz.: Beginning at a point on the sand beach, about one mile west of Cavally Point, the same being the boundary line between Cavally and Grahway, thence running in a north-easterly direction to the Cavally River, thence on the west side of the Cavally River to the territory occupied by Cragh, headman of Watta, thence in a line running nearly south-west to the sea beach, about four miles west of the mouth of the Cavally river, thence west along the sea beach, about four miles to the point of starting, including the whole territory possessed by the Bowreh people east of Cape Palmas, excepting so much thereof as is at present occupied as town, farm lots or burying ground. And it is hereby agreed by said parties that the same shall be and is hereby annexed to, and becomes a part of the territory now belonging to the Maryland State Colonization Society, and the inhabitants of the same shall unite with the American colonists in defence of this, their common country. And it is further agreed that all palavers arising between the

above named king of Bowreh, or any of his subjects, and any other king or the subjects of another king belonging to the territory of Maryland in Liberia, shall be set by the Agent of the Maryland State Colonization Society, or American Governor of the Colony. And it is further agreed that all inhabitants of Liberia, Americans or natives, of what tribe soever, shall have the free right of passing and repassing from one part of said territory to the other without injury or molestation. And it is further agreed that no foreigner shall be permitted to reside in or make trade in any part of the territory now ceded to the Maryland State Colonization Society (always excepting the canoe trade with foreign vessels), without a special permit from the American Governor.

The considerations for the above deed are as follows:

First. The above-named privileges for mutual defence.

Secondly. The advantages arising from having free access to all trading parts which shall be established in Maryland in Liberia.

Thirdly. The advantages of schools, which the children of native parents shall enjoy in common with the American children.

Fourth. The general benefit which will result to the native inhabitants from free intercourse with the American colonists.

Fifth. Such presents as the colonial agent may see fit to make for so valuable an acquisition of territory.

JAMES HALL, *A. M. S. C. S.*, SEAL.

KING NEH, or WEAH, his × mark. SEAL.

Signed, sealed and delivered at Half Cavally, this twenty-fifth day of November, 1835, in presence of NEH, his × mark.

EDDA HAMEH, *alias* JIM WILSON, *King's Mate.*
NORVOO, *Headman of Half Cavally.*
CRAHBES, *Head Gentleman of Half Cavally.*
EDDAH QUAN, *Headman of Neatoh.*
QUAIN, *Head Smith.*

DOBBO, *Governor of Eubbo.*
WAH, *Soldier King.*
CAIREH, TOBBO, NEH, BLUBB, GEO, HOVRO.
CROGH, NEAHMAH, BOB QUEAB, CRAB, LEAH.
LAH-NA-TOO, NAIMBOO, JABBOO.
HILLY-BOO-WEH, MUSS NEANKO, or JIM LIVERPOOL, *Hedd Trademen.*
DABWEH.

CONFIRMATION BY THE HEADMEN OF GRAND CAVALLY.

Grand Cavally, West Africa, May 20, 1834.

We, the undersigned Headmen of Grand Cavally, do, by these presents, ratify and confirm the contract made by our king, Joe Holland, *alias* Baphro, in conjunction with Will, *alias* Bolio, king of Grahway, and Freeman, *alias* Pah Neahmah, king of Cape Palmas, on the one part, and James Hall, Agent of the Maryland State Colonization Society on the other part, deeding and conveying all the territory now possessed or holden by us to the said Society, reserving so much thereof as is now under cultivation, or is occupied by us as towns and villages, agreeable to the deed executed by the above-named kings at Cape Palmas, on the thirteenth day of February, One Thousand Eight Hundred and Thirty-four.

BARWON, *Governor of Cavally.*
TWEADAH, *Governor Mate.*
TWAABEY, *King's Adjutant.*
KALAH, *Soldier King.*
NE-AH-BEY, *Head trademan for River Cavally.*
JULEH, *King's Mouth.*

Attest:
ANTHONY WOOD.

SUPPLEMENT AFFIXED TO THE DEED OF TERRITORY FROM THE KINGS OF CAPE PALMAS, GRAHWAY, AND GRAND CAVALLY.

We, whose names are hereunto affixed, headmen of Cape Palmas, Grahway and Grand Cavally, do ratify and confirm the foregoing contract made by our sovereigns with James Hall, Agent of the Maryland State Colonization Society, this thirteenth day of February, One Thousand Eight Hundred and Thirty-four.

U–AH–TOH, *Governor of Cape Palmas.*
JUMBO, *Soldier King.*
SEAH, *Gent. Headman.*
KIBEOH, *Governor of Grahway big town.*
GALAH, *king's mate and Governor of Half Grahway.*
SEEH, *Pioneer of the Expedition.*
BALLY, *King's mouth or Interpreter.*
NEH, *Palaver house man.*
ORAH, " "
DEWEY, " "

Attest:
JAMES M. THOMPSON,
GEO. R. MCGILL.

Deed No. 4.

FROM KING GRA-KAW OF NEGAPOS.

Executed the 26th December, 1835.

Know all men by these presents, that I, Gra-kaw, one of the kings of Negahpos people (but totally free and independent from all the kings of the said Negahpos,) and we, whose names are hereunto affixed, Headmen and Governors of these several towns belonging to the said Gra-kaw, do hereby deed and convey unto

James Hall, Agent of the Maryland State Colonization Society of Maryland, in the United States of America, all the territory now within our jurisdiction, and bounded as follows: South and southwest by the territory of the Maryland State Colonization Society; west by the territory of the Gra-kaw, or King Hevas' people; north by King Wah, or Treaboah people; east by the territory of King Neh, of Denah, and of King Nehero. To have and to hold the same, together with all the privileges and appurtenances thereof, for all the purposes of agriculture, making roads, erecting dwellings, &c., in common with my own people, the present occupants, always reserving the part now occupied and tenanted by us as towns, villages, or grain fields. And it is hereby agreed by the said parties, that the same is hereby annexed to and becomes a part of Maryland in Liberia, and the inhabitants thereof shall all unite in defence of this their common territory. They shall also be equally entitled to the privileges of passing and repassing to and from any trading parts established in said territory of Maryland in Liberia. The children of native inhabitants shall also, in common with those of American parents, enjoy the privileges of attending any schools established in the territory. The considerations for the above deed of gift are the advantages which will accrue to the country from this arrangement, and such presents and dashes as the said James Hall shall see fit to make for so valuable a donation.

The foregoing deed, with a duplicate thereof, signed, sealed and delivered at Bluroh, this twenty-sixth day of December, Eighteen Hundred and Thirty-five.

GRA-KAW, *King.* SEAL.

JAMES HALL, *Am. St. C. S.* SEAL.

TAI, *Gov. of Borroh.*

WRAH, *Gov. of Louree.*

COOTE, *Gov. of Juedo.*

BUNOH, *Gov. of Noa.*

SOULEAH, *Gov. of Bueh.*
BLLYEMAH, *Gov. of Nasseh.*
OOREEH, *Gov. of Batteh.*
NEAMAH, *Gov. of Tuo.*
CAPREH, *Gov. of No.*

Witnessed by:
NEH, *Agency's Krooman.*
WARROH, *King Fruwansbay.*

Deed No. 5.

FROM KING NEH OF DENAH.

Executed the 10th February, 1836.

Know all men by these presents, that I, Neh, king of a part of the Negapo people, dwelling on the Cavally river (including Denah), and we, whose names are hereunto affixed, headmen of said territory, do hereby grant, deed and convey unto James Hall, Agent of the Maryland State Colonization Society, of Maryland, in the United States of America, and by and through him to said Society, all that tract of territory now under our jurisdiction together with all and every privilege and appurtenances thereunto belonging, said territory is bounded as follows: South, by the territory occupied by another part of the Negapo people under Yeabreh, headman of Nopatea, east, by the Labou people, about thirty miles distant, north, by the Kings Enerno and ———, another section of the Negapos, at a distance from Denah of ten miles north-west by a section of country under the Negapos people under King War, about fifteen miles distant south-west and west by the territory of the Maryland State Colonization Society purchased by one part of the Negapos tribe under King Gra-kaw, containing in all, about 400 square miles. To have and to hold the same as a part of and adjoining the Maryland State Colonization Society's land, viz.: Maryland in Liberia.

And it is hereby agreed by the said parties that all of the inhabitants thereof shall unite with the inhabitants of Maryland in Liberia for their mutual security and defence. That all palavers arising between any king of the above-named territory, and another king belonging to Maryland in Liberia, or between any of his subjects, and the subjects of any other king belonging to said State shall be subject to the decision of the Home Agent of said Society, or the Governor of the American Colony. Also, that all the inhabitants of Maryland in Liberia, either natives or Americans, shall have the free right and privilege of passing and repassing through any part of said Maryland in Liberia, and have free access to all trading parts established in said territory. Also, that the native inhabitants of the country so ceded shall enjoy all the rights and privileges of schooling in common with the American colonists. The considerations for the above grant are the advantages that will result to the country from the schools, trading ports, mutual protection, and the many great benefits that will accrue from free intercourse with civilized people. Also, such satisfactory presents as we at this time acknowledge to have received from the Agent of the Maryland State Colonization Society.

Signed, sealed and delivered, with a duplicate hereof, at Harper, this 10th February, 1836.

RHEA his × mark NEH, *King of Denah.*
JAMES HALL, *Agent Md. St. Col. Soc.*
WAA-MEH, × *Town Orator.*
MAYOU, × *Headman of Denah.*
CRAHBLEH, × *Governor of Yeabreh.*
TOOMOO, × " *of Noah.*
QUO-QUO, × " *of Denah.*

In presence of:
OLIVER HOLMES, JR., and
JAMES M. THOMPSON.

Deed No. 6, of Rock Town.

FROM KING VEAH.

Executed April 21st, 1837.

Know all men by these presents, that I, Gray, the true and lawful king of Rock Town, and Frah, Governor of said country (sometimes called Cape Palmas), do, by these presents, grant, deed and convey unto Jno. B. Russwurm, as Agent of the Maryland State Colonization Society, and through and by him to the said Society, the territory now under our authority called Rock Town (alias Tah), and bounded as follows, viz.: Beginning at the Cocoa-nut tree near the beach, the northern boundary of the American settlement at Cape Palmas, thence running parallel with the seaboard, about six miles, more or less in a northern direction to a point called Bleableah-Tawah, which divides it from Fish Town. Thence running in a north-east direction (point of compass not known), half a day's journey, or about sixteen miles to the country called Saurogah, governed by King Warrah, and thence in a south-east direction to the intervening line between this territory and the American settlement mentioned above, and from thence to the Cocoa-nut tree above mentioned in a south-west direction, to have and to hold the same in common with our people, and to occupy any part thereof not now in actual use as a town, village or farm with all the privileges and appurtenances thereunto belonging forever.

And it is further agreed by said parties, that the inhabitants of the above named country, and the king and governor thereof, and the American citizens of Maryland in Liberia shall unite their forces in defence of their common country, and of the territory already belonging to the Maryland Colonization Society in Africa, to which this is now annexed. And it is further agreed that all palavers arising between any two kings residing in Maryland in Liberia between the subjects of any two kings shall be set by the American Governor of the territory.

And it is further agreed on the part of the said King Gray and Governor Traho, that no foreigner or person not authorized by the Maryland State Colonization Society shall reside in or make trade in any part of said territory, other than that made in canoes with vessels in offing.

And further, that there shall never be, in either party, any obstruction to a free passage through their respective territories, either by land or water.

The considerations for the above deed are as follows:

First. The above named privileges of mutual defence.

Second. The advantages from trading ports being established in said territory, and through the Agent of the Maryland State Colonization Society.

Third. The advantages of schools, which the children of the native inhabitants shall enjoy in common with American children.

Fourth. The general benefit which the said King Gray and Governor Frah, executors hereof, foresee will result to their country, and the inhabitants thereof, from intercourse with American colonists.

Fifth. Such presents or dashes as they may hope to receive from the colonial agent for deeding the above-named territory.

And further, it is understood by the contracting parties that nothing contained in this deed shall in any way interfere with any former deed or conveyance which may have been given to the Rev. J. L. Wilson, as Agent of the American Board of Commissioners for Foreign Missions, for the purpose of establishing schools within said territory.

JNO. B. RUSSWURM, *A. Md. S. C. S.* [ss.]

GRAY, *King,* [ss.]

FRAH, *Governor,* [ss.]

Signed, sealed and delivered at Rock Town, this twenty-first day of April, in the year of our Lord, One Thousand Eight Hundred and Thirty-seven.

In presence of:

G. R. McGILL,

SAMUEL EDEN,

JACK his × mark. WILSON.

Rock Town, April 21st, 1837.

We, Veah, Duah, Neemah, Jr., Trah and Neemah, Sr., headmen for Rock Town, do, hereby in the presence of the King, Governor and each other, ratify and confirm the foregoing contract of King Gray and Governor Frah with Jno. B. Russwurm, Agent of the Maryland State Colonization Society, and bind ourselves to observe the same.

VEAH, his × mark.

DUAH, his × mark.

NEEMAH, JR., his × mark.

TUAH, his × mark.

NEEMAH, SR. his × mark.

Attest:

GEORGE R. McGILL,

SAMUEL EDEN,

TOM his × mark. PRINCE.

Deed No. 7, of Bassa.

FROM KING NIMLEE AND GOVERNOR OF BASSA COUNTRY.

Executed February 24th, A. D., 1846.

Know all men by these presents, that we, King Nimlee and Governor Yellow Will, the true and lawful King and Governor

of Bassa Country, do, by these presents, grant, deed and convey to Jno. B. Russwurm, Agent of the Maryland State Colonization Society, and through and by him to said Society, the territory now under our jurisdiction called Bassa, and bounded as follows: Beginning at Bassa river and extending along the beach to ——, east, by the Atlantic ocean; west, by Labou and Taioh nation of Bushmen; north, by the Taioh's and other Bush tribes, and south, by the Atlantic ocean.

To have and to hold the same in common with our own people, and to occupy any part thereof not now in actual use as a town, or farm with all the appurtenances thereunto belonging forever.

And it is further agreed by said parties that the inhabitants of the above-named country, the King and Governor thereof, and the American citizens of Maryland in Liberia shall unite their forces in defence of their common country and the territory already belonging to the Maryland State Colonization Society in Africa, to which this is now annexed.

And it is further agreed that all palavers arising between any two kings residents of Maryland in Liberia, or between the subjects of any two kings shall be set by the American Governor of the colony.

And it is further agreed on the part of the above King Nimlee and Governor Yellow Hill, that no foreigner not authorized by the Maryland State Colonization Society, or other persons shall reside in or make trade in any part of said territory, other than that made in canoes with vessels in the offing.

And further, that there shall never be, in either party, any obstructions to a free passage through their respective territories, either by land or sea.

The considerations of the above deed are as follows:

First. The above-named privileges of mutual defence.

Second. The advantages accruing from trading posts being established in said territory, by and through the Agent of the Maryland State Colonization Society.

Third. The advantages of schools, which the children of the native inhabitants shall enjoy in common with American children.

Fourth. The general benefit which the said King Nimlee and Governor Yellow Hill, executors hereof, foresee will result to their country, and the people thereof, from intercourse with American colonists.

Fifth. Such dashes as they may hope to receive from the Colonial Agent for deeding said territory.

Signed, sealed and delivered at Bassa, King George's Town, this twenty-fourth day of February, A. D. 1846.

JNO. B. RUSSWURM, *A. Md. St. S.*
NIMLEE, *King,* ×
YELLOW WILL, *Gov.*

In presence of:
TRUMAN, *King,* ×
YELLOW WILL, ×
D. E. MCFARLAND,
JNO. BANKS.

We, Pouch, Barreh and Brah, Headmen of Bassa, do hereby, in the presence of the King and Governor and each other, ratify and confirm the foregoing contract with Jno. B. Russwurm, A. M. S. C. S., and bind ourselves and adherents to observe the same.

POUCH, ×
BARRAH, ×
BRAH, ×
JEUEH. ×

In presence of:
TRUMAN, *King.*
YELLOW WILL.

Deed No. 8, of Tahoe.

FROM KING GEORGE.

Executed February 24th, 1846.

I, King George, the true and lawful king of the country of Tahoe, do, by these presents, grant, deed, and convey unto John B. Russwurm, Agent of the Maryland State Colonization Society, and through and by him to said Society, the territory now under my authority, called and bounded as follows, viz.: East by the Atlantic ocean and river Padro; west by Grand Berriby and Yappo nation of bushmen; north by the Europoh nation of bushmen; and south by the Atlantic ocean.

To have and to hold the same in common with our own people, and to occupy any part thereof not now in actual use as a town, farm or village, with all the privileges and appurtenances thereunto belonging forever.

And it is further agreed by the said parties that the inhabitants of the above-named country and the kings thereof, and American citizens of Maryland in Liberia, shall unite their forces in defence of their common country and of the territory already belonging to the Maryland Colonization Society in Africa, to which this is now annexed.

And it is further agreed that all palavers arising between any two kings residing in Maryland in Liberia, or between the subjects of any two kings, shall be set by the American Governor of the territory.

And it is further agreed on the part of the said King George that no foreigner or person not authorized by the Maryland State Colonization Society shall reside in or make trade in any part of said territory other than that made in canoes with vessels in the offing.

And further that there shall never be, in either party, any obstruction to a free passage through their respective territories either by land or water.

The considerations for the above deed are as follows:

First. The above-named privileges of mutual defence.

Second. The advantages accruing from trading posts being established in said territory by and through the Agent of the Maryland State Colonization Society.

Third. The advantages of schools, which the children of the native inhabitants shall enjoy in common with American children.

Fourth. The general benefit which the said King George, executor hereof, foresees will result to their country, and the inhabitants thereof, from intercourse with American colonists.

Fifth. Such presents or dashes as they may hope to receive from the Colonial Agent for ceding above territory.

Signed, sealed and delivered at Town of Bassa (King George's), this twenty-fourth day of February, A. D., 1846.

In presence of:
JNO. BANKS,
D. C. MCFARLAND.

Town of Bassa, February 24th, 1846.

We, Hugo, Seah and Gerah, headmen of Tahoe, do, hereby in the presence of our kings and each other, ratify and confirm the preceding contract with Jno. B. Russwurm, Agent of the Maryland State Colonization Society, and bind ourselves and adherents to observe them.

HAGO SEAH,
GERAH.

In presence of:
TRUMAN, *King*,
YELLOW WILL.

Deed No. 8, of Grand Berriby.

FROM KING DARBO AND KING TOM.

Executed February 23d, 1846.

Know all men by these presents, that we, King Darbo and King Tom, the true and lawful Kings of Grand Berriby:

Do by these presents, grant, deed and convey unto Jno. B. Russwurm, Agent of the Maryland State Colonization Society, and through and by him to said Society, the territory now under our authority and bounded as follows, viz: East, by the Atlantic ocean; west, by Half Berriby and Majo najo nation of Bushmen; north, by the Yappo nation of Bushmen, and south, by the Atlantic ocean.

To have and to hold the same in common with our own people, and to occupy any part thereof not now in actual use as a town, village or farm with all the privileges and appurtenances thereunto belonging forever.

And it is further agreed by said parties that the inhabitants of the above country, and the King and Governor thereof, and American citizens of Maryland in Liberia shall unite their forces in defence of their common country, and of the territory already belonging to the Maryland Colonization Society in Africa, to which this is now annexed; and it is further agreed that all palavers arising between any two kings residing in Maryland in Liberia, or between the subjects of any two kings shall be set by the American Governor of the territory.

And it is further agreed on the part of the said King Darbo and King Tom:

That no foreigner or person not authorized by the Maryland State Colonization Society shall reside in or make trade in any part of said territory, other than that made in canoes with vessels in the offing.

And further, that there shall never be, in either party, any obstructions to a free passage through their respective territories, either by land or water.

The considerations for the above deed are as follows:

First. The above-named privileges of mutual defence.

Second. The advantages accruing from trading posts being established in said territory, by and through the Agent of the Maryland State Colonization Society.

Third. The advantages of schools, which the children of the native inhabitants shall enjoy in common with the American children.

Fourth. The general benefit which the said King Darbo and King Tom, executors hereof, foresee will result to their country, and the inhabitants thereof from intercourse with American colonists.

Fifth. Such presents or dashes as they may hope to receive from the Colonial Agent for ceding above-named territory.

Signed, sealed and delivered at Bassa Town, King George's, this twenty-third February, A. D. 1846.

JNO. B. RUSSWURM,
Governor Md. Liberia.
DARBO KING, + 0
TOM KING, + 0

In presence of:
D. C. MCFARLAND,
JOHN BANKS,
TRUMAN KING, +

We, Neemah, Governor, and Crah, headmen of Grand Berriby, do, hereby in the presence of our kings and each other, ratify and confirm the preceding contract with J. B. Russwurm, Agent of the Maryland State Colonization Society, and bind ourselves and adherents to observe them.

NEMAH, *Gov.* +
CRAH, *Headman*, +

In presence of:
TRUMAN KING, +
YELLOW WILL. +

Deed No. 9, of Berriby.

FROM OURIPPI AND HUGO, GOVERNOR.

Executed March 13th, 1846.

Know all men by these presents, that we, Ourippi, alias King William, and Hugo, Governor, the true and lawful King and Governor of Half Berriby:

Do, by these presents, grant, deed, and convey unto John B. Russwurm, Agent of the Maryland State Colonization Society, and through and by him to said Society, the territory now under our authority, called and bounded as follows, viz.: East by the Atlantic ocean; west by the Mago and Ourappo nations of bushmen; north by the Hennah nation bushmen, and south by the Atlantic ocean.

To have and to hold the same in common with our own people, and to occupy any part thereof not now in actual use as a town, village, farm, with all the privileges and appurtenances thereunto belonging, forever.

And it is further agreed by said parties that the inhabitants of the above country, and the King and Governor thereof, and the American citizens of Maryland in Liberia, shall unite their forces in defence of their common country and of the territory already belonging to the Maryland State Colonization Society in Africa: to which this is now annexed.

And it is further agreed that all palavers arising between any two kings residing in Maryland in Liberia, or between the subjects of any two kings, shall be set by the American Governor of the territory.

And it is further agreed on the part of the said King and Governor, that no foreigner or person not authorized by the Maryland State Colonization Society, shall reside in or make trade in any part of said territory, other than that made in canoes with vessels in the offing.

And further, that there shall never be, in either party, any obstruction to a free passage through their respective territories, either by land or water.

The considerations of the above deed are as follows:

First. The above-named privileges of mutual defence.

Second. The advantages accruing from trading posts being established in said territory by and through the Agent of the Maryland State Colonization Society.

Third. The advantages of schools, which the children of the native inhabitants shall enjoy in common with American children.

Fourth. The general benefit which the said King and Governor, executors hereof, foresee will result to their country and the inhabitants thereof, from intercourse with American colonists.

Fifth. Such presents or dashes as they may hope to receive from the Colonial Agent for ceding the above-named territory.

Signed, sealed and delivered at Cape Palmas, this 13th of March, A. D. One Thousand Eight Hundred and Forty-six.

JNO. B. RUSSWURM.
A. Md. S. C. S.
WILLIAM, *King*, +
HUGO, *Governor.* +

In presence of:
TRUMAN, *King*, +
YELLOW WILL, +
W. A. PROUT.

Cape Palmas, March 13th, 1846.

We, Neah and Nepah, Headmen of Half Berriby, do hereby, in the presence of our King and Governor and each, ratify and confirm the preceding contract with John B. Russwurm, A. Md. S. Col. Society, and bind ourselves and adherents to observe them.

NEAH, *Headman*, +
NEPAH, " +

In presence of:
TRUMAN, *King*, +
YELLOW WILL. +

Deed No. 10, of Tabou.

FROM KING GEORGE, OF BASSA; KING GEORGE MACAULEY, OF G. TABOU, AND KING CRAH, OF TABOU RIVER.

Executed March 13th, 1846.

Know all men by these presents: that we, King George, of Bassa; King George Macauley, of G. Tabou, and King Crah, of Tabou River, the true and lawful kings of the country of Tabou:

Do, by these presents, grant, deed and convey unto John B. Russwurm, Agent of the Maryland State Colonization Society, and through and by him to said Society, the territory now under our authority, called and bounded as follows, viz.: East by Bassa country and the Atlantic ocean; west by Barbo country and Taps nation; north by Tarah nation and Bushman, and south by the Atlantic ocean.

To have and to hold the same in common with our own people, and to occupy any part thereof not now in actual use as a town, village, farm, with all the privileges and appurtenances thereunto belonging, forever.

And it is further agreed by said parties that the inhabitants of the above country and the kings and headmen thereof, and the American citizens of Maryland in Liberia, shall unite their forces in defence of their common country and of the territory already belonging to the Maryland State Colonization Society in Africa, to which this is now annexed.

And it is further agreed that all palavers arising between any two kings residing in Maryland in Liberia, or between the subjects of any two kings, shall be set by the American Governor of the territory.

And it is further agreed on the part of the said Kings George, G. Macauley and Crah, that no foreigner, or person not authorized by the Maryland State Colonization Society, shall reside in or make trade in any part of said territory, other than that made in canoes with vessels in the offing.

And further, that there shall never be, in either party, any obstruction to a free passage through their respective territories, either by land or water.

The considerations of the above deed are as follows:

First. The above-named privileges of mutual defence.

Second. The advantages accruing from trading posts being established in said territory, by and through the Agent of the Maryland State Colonization Society.

Third. The advantages of schools, which the children of the native inhabitants shall enjoy in common with American children.

Fourth. The general benefit which the said Kings George, G. Macauley and Crah, executors hereof, foresee will result to their country and the inhabitants thereof, from intercourse with American colonists.

Fifth. Such presents or dashes as they may hope to receive from the Colonial Agent for ceding the above-named territory.

Signed, sealed and delivered at Cape Palmas, this 13th of March, A. D. One Thousand Eight Hundred and Forty-six.

JNO. B. RUSSWURM, *Agt. Md. S. C. So.*
GEORGE, *King*, ×
GEORGE MACAULEY, *King*, ×
CRAH, *King*, ×

In presence of:
KING TRUMAN,
YELLOW WILL,
D. C. MCFARLAN,
JNO. BANKS.

Town of Bassa, King George's, February 23d, 1846.

We, Weah, Governor, Nemah and Yakuh, headmen of Tabou River, Grand Tabou and Bassa, do hereby, in the presence of our kings and each other, ratify and confirm the preceding contract

with J. B. Russwurm, Agt. Md. St. C. Society, and bind ourselves and adherents to observe them.

WEAH, *Governor T. River,*
NEMAH, " *Tabou,*
YAKUH, " *Bassa.*

Attest:
TRUEMAN, *King,* ×
YELLOW WILL. ×

Deed No. 11, of Garraway.

FROM BLACK WILL, ANDREW LAWSON, DOBBAH, HALF GARRAWAY, WHEREBOH AND YOIRRAH, KINGS AND HEADMEN OF THE GARRAWAY COUNTRY.

Know all men by these presents: that, for the consideration hereafter mentioned, we, Black Will, Andrew Lawson, Dobbah, half Garraway, Whereboh and Yoirrah, Kings and headmen of the Garraway country, have granted and sold, and by these presents do grant and sell to the Maryland State Colonization Society of Maryland, in the United States of North America, the following tract of land, of which we are at this time lawfully seized by right of possession and descent. Beginning at a point north, at Poor river on the beach, from thence running into the interior eastwardly on the south side of said Poor river to the Trimbah country to a point; thence running in a line separating the Trimbah country, Tabareah, Boloboh and Urabah territory south to Fish Town river to a point; thence running along said river in a line west to the beach to a point; thence running in a line north-westwardly on the sea beach to the point of starting.

Including all the rivers, bays, creeks, timbers and mines on the same, excepting so much of said territory as is now under cultivation by the inhabitants thereof, or such places as may be occupied by us or our descendants as towns or villages, reserving also the right of passing up and down all rivers and creeks, and of

traversing all sections of country not inhabited by colonists, the said Society to have and to hold the said territory for its special benefit and behoof. And we do agree to warrant and defend the same against the claim of all persons whatever. And it shall have power by its Agent to exercise all authority in the above-named territory, and we hereby acknowledge ourselves members of the Colony of Maryland in Liberia so far as to unite in its common defence in case of war or foreign aggression.

And I, the said John B. Russwurm, in the name of said Society, do hereby guarantee to the said kings and their descendants the above reserved rights; and further, that neither themselves or property shall be trespassed upon, or molested in any way whatever, and no lands under cultivation nor towns nor villages shall be taken from them except by special contract, paying the desired remuneration therefor.

We also acknowledge the receipt of the following articles of merchandise from John B. Russwurm, Agent of the said Society and Governor of said territory, as full and ample compensation therefor:

One Hhd. Tobacco.	Twenty ps. Cloth.
One Box Cutlasses.	Twenty Muskets.
One Keg Flints.	Ten large Kegs Powder.
Two Boxes Pipes.	Ten Black Hats.
	Fifty Iron Bars.

This instrument, with the triplicate hereof, is executed at Garraway, this tenth day of August, A. D. One Thousand Eight Hundred and Forty-nine.

BLACK WILL, his ×
DOBBAH, his ×
WHEREBAH, his ×
YOURAH, his ×
YOIRRAH, his ×

In presence of:
J. H. STEWART,
CHARLES H. LEE,
YELLOW WILL, his ×

We, whose names are affixed, Headmen of Garraway Towns, do ratify and confirm the foregoing contracts made by our Governors and Kings with John B. Russwurm, Agent of the Maryland State Colonization Society, this tenth day of August A. D. One Thousand Eight Hundred and Forty-nine.

YEBOH, his ×
TOW WEAH, his ×
GESSAUGH, his ×
BLANYAH, his ×

THE AGREEMENT WHICH MADE MARYLAND IN LIBERIA INDEPENDENT.

Whereas the people of Maryland in Liberia have represented to the Maryland State Colonization Society, that it is their desire, and that it will, in their opinion, materially promote their welfare, to dissolve all political connection with or subordination to the said Society, and with that view have, with the full consent and approbation of the Society, formed for themselves a Constitution and Form of Government, under which, when the same shall have been fully ratified and adopted, they design to declare themselves a Free, Sovereign and Independent State;

And whereas the Maryland State Colonization Society, having in their establishment of the colony at Cape Palmas, and in their government of the same, been always desirous to improve the condition of the free people of color of Maryland, by placing them in a position in which they would find no obstacles in the way of their advancement; and the Society whilst recognizing with humble gratitude to the Giver of all good, in the present condition and future prospects of the people of Maryland in Liberia, the blessings which have thus far crowned their labors, humbly

trust that the change now proposed to be made in the relations between the Society and the people, may still further advance the prosperity of those for whose welfare they have labored.

And whereas, in severing the political connection heretofore existing between the said Society and the people of Maryland in Liberia, it is necessary and proper to enter into an arrangement in reference to the public and other property in Maryland in Liberia, now belonging to the Society; for which purpose William A. Prout and William Cassell have been duly appointed by the people of Maryland in Liberia commissioners to confer with the Society.

Now, therefore, the Maryland State Colonization Society on the one part, and William A. Prout and William Cassell, Commissioners of the people of Maryland in Liberia, on the other part, have, on this fourteenth day of February, in the year of Our Lord, One Thousand Eight Hundred and Fifty-four, in the City of Baltimore, entered into the following agreement, which, if duly ratified within the space of twelve months by the government which may be established by the people of Maryland in Liberia, shall be binding both on the said Society and on the said government and people, to wit:

ARTICLE I.—The Society hereby agrees to cede all its public lands within the limits of Maryland in Liberia to the people and government of that Republic, subject to the following provisions, viz.:

First. The Government shall allow to all future emigrants out of any unoccupied or unsold lands, instead of the quantity heretofore allowed by the regulations of the Society, a farm lot of ten acres, or a town lot of one quarter of an acre in any new settlement that may hereafter be made; or ten acres for a farm lot in the present settlement, the town lot being the same as heretofore, viz., an eighth of an acre; and when the Government sells any of the public lands, every alternate lot or farm, or section or square mile, shall be left unsold, to be assigned to emigrants.

Second. All sales shall be at auction, to the highest bidder. Lands after having been offered at auction and unsold, may be sold at private sale, not below a price to be fixed by law.

Third. The tracts reserved for emigrants may, with the assent of the Society, be exchanged for others of equal value, or sold and the proceeds devoted to the purposes of education.

Fourth. The Government of Maryland in Liberia shall appropriate at least ten per cent. of the proceeds of the sale of public lands to school or educational purposes.

Fifth. The Society shall retain the right of locating emigrants in any of the present settlements, or in any new settlement that may be made.

Sixth. New settlements are to be formed by the concurrence and agreement of the Government of Maryland in Liberia and the Society.

Seventh. The lands held by the State for the occupancy of emigrants shall be exempt from taxation.

Eighth. If the Government of the United States shall at any time determine to send to Maryland in Liberia recaptured Africans, the Society shall thereupon have the right to claim, and to have immediately set apart for their use, by the Government of Maryland in Liberia, not exceeding one hundred acres, as the Society may require, out of any of the public lands not previously sold or appropriated.

Ninth. The Society shall retain the public store and the wharf thereto appertaining, the present receptacles for emigrants, with the land thereto contiguous, sufficient to accommodate the occupants, and the west half of the public farm, dividing it through the center by a line running northerly at right angles with the Maryland avenue; and, whenever required, the Government shall further cede to the Society in each new settlement that may be made, a lot of suitable size for the reception and accommodation of new emigrants. All property retained by, or which may hereafter be ceded to the Society, with all improvements which the Society may make thereon, shall be exempt from taxation so long as the Society shall retain the same; but the Society shall take such care of all their lots as the citizens are required to take of

theirs, in order to prevent their becoming nuisances; and in case of neglect the town authorities shall be authorized to abate such nuisances at the expense of the Society.

ARTICLE II.—The Society shall have the privilege of introducing into Maryland in Liberia, free of duty, all its stores, provisions and furniture for the use of emigrants, as well as all other articles which it may at any time send there to be sold for the purpose of providing means for the reception, accommodation and support of emigrants, so long as they may remain under the care of the Society; and all vessels chartered by the Society and carrying emigrants shall be free from light-house and anchorage duties.

ARTICLE III.—Recaptured Africans shall be admitted into Maryland in Liberia, should the United States Government desire to send them there, and make provision for their support.

ARTICLE IV.—The Society shall give to the Government of Maryland in Liberia the Government house and public offices, forts, and all munitions of war now in the territory, also the warehouse last erected by Governor Russwurm, belonging to the Society. All property of every description not expressly ceded by these articles of agreement to the Government and people of Maryland in Liberia, is reserved to the Society, and may be disposed of solely at its discretion.

ARTICLE V.—All emigrants hereafter sent to Maryland in Liberia by the Society shall have secured the same rights of citizenship in Maryland in Liberia, and upon the same terms and conditions as have been enjoyed by emigrants heretofore sent there by the Society.

ARTICLE VI.—In case the Maryland State Colonization Society shall at any time hereafter become united with or merged in any other colonization society; or should the duties now and hereafter to be performed by said State Society in regard to emigrants from Maryland be assumed by, or devolve upon the present, or any future colonization agents, appointed by the State of Mary-

land, then and in either of such cases, all the provisions of the present agreement shall be mutually binding upon the Government and people of Maryland in Liberia on the one hand, and on such other colonization society, or on such State colonization agents, as the case may be, respectively; and shall secure to each and all of said parties the benefits of the same.

ARTICLE VII.—These articles may be altered at any time by the mutual agreement of the President and Managers of the Maryland State Colonization Society and the Government of Maryland in Liberia.

ARTICLE VIII.—It is hereby agreed that after the Government of Maryland in Liberia shall have been duly organized, and shall have acted upon and duly ratified the foregoing Articles, as herein provided for, and shall have furnished the Society with the duly authenticated evidence thereof, the Society shall be bound, and hereby binds itself to execute and transmit to the said Government, such Instrument of writing or Deed as shall be by said Republic deemed necessary fully to confirm, convey and vest in said Government the title in fee simple to all the said lands, subject only to the conditions and reservations herein contained.

In testimony whereof, the undersigned Commissioners of Maryland in Liberia have hereunto set their hands and seals, and the undersigned President, Vice-Presidents and Managers of the Maryland State Colonization Society have hereunto set their hands and caused the seal of the said Society to be hereto affixed.

Done at the City of Baltimore, Maryland, in the United States of America, on this twenty-second day of February, in the year of Our Lord One Thousand Eight Hundred and Fifty-four.

W. A. PROUT, SEAL.
WM. CASSELL, SEAL. } *Commissioners.*

CHARLES HOWARD, *Pres. Md. State Col. Soc.*

HUGH DAVEY EVANS,
JOHN HANSON BRISCOE, V. P.,
WM. CRANE,
GEORGE S. GIBSON,
WM. MASON.
} *Vice-Presidents.*

Board of Managers:

WILLIAM F. GILES,	THOS. WILSON,
CHARLES F. MAYER,	J. H. MCCULLOH,
COMFORT TIFFANY,	J. MASON CAMPBELL,
WILLIAM WOODWARD,	ISAAC TYSON, JUN.,
WM. H. KEIGHLER,	FRANCIS T. KING,
ISAAC P. COOK,	CHAS. J. M. GWINN,
J. HOWARD MCHENRY,	W. A. TALBOTT.

F. W. BRUNE, JR., *Recording Secretary.*

Signed, sealed and delivered in presence of:

JAMES HALL, *Genl. Agt. Md. S. Col. Society.*
JOHN SEYS, *Trav. Agent.*
W. MCLAIN,
GEO. W. S. HALL.

CODE OF LAWS FOR KING FREEMAN.

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1. All men must do to each other as they would have men do unto them.

2. All men must speak truth: none but bad men lie.

3. If a man kill another man because he hated and wanted to kill him, he must be hung.

4. If a man kill another man, and did not hate him or want to kill him, but did not take care, and killed him, he must go to jail and be punished as the judge says.

5. If two men quarrel, and fight on the spot, and did not hate before they fought, or want to kill, and one kill the other, he must go to jail and be punished as the judge says.

6. If one man kill another, and did not hate him, or want to kill him, and tried not to kill him, but killed him, he must not be punished.

7. If one man try to kill another, and the man whom he tries to kill, fight him and kill him to save his own life, he must not be punished.

8. If a man make rape on a woman, and she not willing, he must be hung.

9. If a man try to make rape on a woman, and she fight and kill him, she must not be punished.

10. If a man burn a house in the night where anybody are to sleep, he must be hung.

11. If a man burn a house at any other time, or a house where nobody are to sleep, or pull down a house which is not his, or break into another man's house because he wants to steal, he must go to jail and be punished as the judge says.

12. If a man, or two men, or many men, take a man, or woman, or child, and sell them for slaves, they must be hung.

13. If a man hurt another by beating or cutting him very much, he must go to jail and be punished as the judge says.

14. If a man take away another man's wife, or use her as his wife, he must go to jail and be punished as the judge says.

15. If a man have one wife, and while she lives take another wife, so as to have more than one wife living, he must go to jail and be punished as the judge says; besides, he must give to both wives and their children a house to live in, and enough to eat and drink as long as they live.

16. If a man steal, he must give back what he stole, and besides, he must go to jail and be punished as the judge says.

17. If a woman do anything wrong, she must be punished the same as a man.

18. If a man kill or hurt a woman, he must be punished as if he had killed or hurt a man.

19. If a man or woman do any thing which these or any other laws say is wrong, the constable, when he is told of it by anybody, must catch the man or woman that has done wrong, and bring them before the judge. If the constable will not do so, he must pay for the wrong and be punished as the judge says. If he looks good and tries to find the man or woman that did wrong, but cannot find them, he must not be punished.

20. If a man or woman under one king, steal or hurt a man or woman under another king or governor, the king under whom the man or woman is that did so must make that man or woman that did the wrong pay for it, and be punished besides. If the king will not do this, he must pay for the wrong that has been done himself.

21. When any man or woman is said to have done any wrong, the judge must hear what every body says that was there or knew anything about it, and if he thinks the man or woman has done the wrong, which is called being Guilty, he must punish the man or woman for doing wrong according to the law, but if the judge, after he has heard what every body who was there has to say, does not think the man or woman guilty, he must let him or her go free. The judge must go by what the people say that was there or knew anything about it.

22. The judge cannot punish, unless he sees the wrong done, or hears other people that he can believe, say they saw it done, or saw such things as make the judge know it was done.

23. If a man says before the judge that any other man or woman did wrong, and speak lie when he says so, he must go to jail and be punished as the judge says, for this is bad.

24. The king must make judges to hear all things which are wrong among his people, and to try all men or women that have done wrong; and the judges must be the best and wisest men among the king's people.

25. The American men must be tried by the American judges, and when the dispute is between a native and an American man, there must be a native judge and an American judge, and if they don't agree, the American governor of the colony must settle the business.

26. If any man kill or hurt another man's cattle beasts, he must pay for it, and go to jail and be punished as the judge says.

SONG OF THE EMIGRANTS TO CAPE PALMAS.

For Africa! for Africa! our way lies o'er the deep,
Where ride we crests of briny waves and down their valleys sweep:
We leave behind the white sea-gulls at limit of their flight,
Until around Cape Palmas, again we'll greet their sight;
As though the feathered things had flown to welcome us, when we
Shall tread, as tread we Afric's shore, the footsteps of the free.

For Africa! for Africa! our flag is floating fair;
We have taken Freedom's banner, though its stars are wanting there;
But, in their place, the holy sign is on the azure field,
And cross and stripes have now become our standard and our shield;
And yet, where Afric's palm trees wave, where whirls the dread simoon,
May mark where pilgrims, wending home, may loose their sandal shoon.

For Africa! for Africa! we bear the glorious light
Whose radiance from revealèd truth is more than sunbeam bright.

Where hearts of wandering thousands no softening thoughts have
known,
Where prayer has never yet gone up to Heaven's eternal throne,
We'll plant the cross, the idol break, we'll teach the sacred word
Until, through heathen Africa, our God shall be adored.

For Africa! for Africa! oh! who would stay behind;
The anchor hangs upon the bow, the sails swell in the wind:
Our fatherland, the love of thee within our heart now reigns—
Then bid thy wanderers welcome through all thy boundless plains;
Yield, from thy fruitful bosom, a harvest to our toil,
Until we find, 'neath shadowing palms, our graves within thy soil.

L.

November 27, 1834.

The flag of Liberia is the American flag, with a cross of equal arms of white in place of the stars.

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THE SPIRIT OF THE TIMES

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EARLY COLONISTS.

A Paper read before the Maryland Historical Society,

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HENRY STOCKBRIDGE.

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EXPLANATORY.

The following paper was prepared at the request of the Maryland Historical Society, as a sort of codification of the three volumes of Maryland Archives, published for the State by that Society. It makes no claim to original, or extended research, but is confined to the field to which it was limited by the vote of the Society, and has no aim but to alleviate the labor of (or be an index to) the investigation of that publication. The volumes, as issued, are not numbered, and for convenience of reference are cited as if numbered in the order of their publication. This remark is rendered necessary by the fact that the volumes are not in regular succession in point of time, the third volume being synchronous with the other two, giving the Proceedings of the Colonial Council for the same period for which the first and second give the Proceedings of the General Assembly. The first volume issued contained the "Proceedings of the Assembly" from 1637 to 1664, and is referred to as "1 Ar."; the second, "Proceedings of Assembly" from 1666 to 1676, referred to as "2 Ar."; and the third, "Proceedings of the Council" from 1636 to 1667, referred to as "3 Ar."

H. S.

THE

"ARCHIVES OF MARYLAND."

WHETHER the "Archives of Maryland" are, or are not books of the sort to which Lord Bacon referred when he wrote, "Some books may be read by deputy, and extracts made of them by others," I trust no apology will be thought necessary for suggesting that they are the sort of books that the average "consumer of modern literature" will be the rather apt to read "by deputy" than in any other way. Possibly it was that thought which induced the Historical Society to request that one be deputized to visit the oases, in what even they regarded as an arid region, and to bring before them a report of the flora and fauna, if any should be found. The Society's mandate to undertake that task is this deputy's excuse for the present paper.

An examination, however, of the three volumes of "Archives of Maryland" now issued is not devoid either of entertainment or profit. The

grand old Hebrew prophet called upon his nation for its instruction, "Look unto the rock whence you are hewn, and to the hole of the pit whence ye are digged." In the same spirit it cannot be altogether unwise for us to revert to the beginnings of our civic life, and finding there the germs of many of the customs, institutions, and names that linger with us still—the protoplasm out of which much of the beauty and fragrance of our present social and political life has been evolved—learn their reason and real meaning.

During the thirty years covered by the volume of the Archives which is devoted to the "Proceedings of the Council," and all but a few months of the thirty-eight years covered by the two volumes the "Proceedings of the Assembly," Caecilius Calvert, the second Lord Baltimore, the grantee of the Charter of Maryland, was living, and directing the affairs of the province, as well as it was practicable for him to do from a residence so remote as his in England, with the slow modes of communication then enjoyed, and in a country passing through vicissitudes like those of England at that day. It is a key that unlocks the meaning of many of the events transpiring in the colony, to remember that the period covered by them embraces the last thirteen years of the reign of Charles I. (till 1649), the revolution, chaos, civil war, and Oliver Cromwell's Protectorate of the

Commonwealth for ten years (till 1660), and from that date the restoration, and reign of Charles II.

Under the power granted him in his charter to deputize one to act for him in his absence Lord Baltimore conferred vice-proprietary authority upon persons selected by him, and resident in the province, to exercise there all the high powers with which he was vested—subject at all times, however, to a right of revision and veto still reserved to himself.

This authority was for the most part, conferred upon members of his own family—his brothers Leonard, and Philip, and his "sonne" Charles. The exceptions were that on the death of Leonard Calvert, in 1647, Thomas Greene acted, by death-bed appointment of Leonard, for one year (3 Ar. 187), till William Stone was duly commissioned (Id. 201), and he retained the position, with a brief interruption by the Commissioners of the Council of State for the Commonwealth of England, in 1652 (Id. 271), till supplanted by Commissioners appointed "in the Name of his Highness the Lord Protector of England, Scotland, Ireland and all the dominions thereto belonging" in 1654 (3 Ar. 211). When Lord Baltimore was able to resume his charter rights, in 1656, he was so unfortunate as to select Josias Fendall as his lieutenant; after whose "Mutiny and Sedicõn" he confined himself to his own family—his brother Philip (1660) (3 Ar. 391) and son Charles (1661) (Id. 439).

Lord Baltimore's Authority.

Lord Baltimore's Charter gave him little less than the power of an absolute monarch. It constituted him and his heirs "veros et absolutos dominos et Proprietarios" (3 Ar. 4) of the realm granted him, and thus vested him with all power, civil, military, naval and ecclesiastical—head of Church and State on sea and land. In his exercise and delegation to his lieutenants of the power thus granted he exercised, and delegated all. He never forgets, nor do they, to describe him as "Absolute Lord and Proprietary of the Provinces of Maryland and Avalon," and he is the entire government,—the legislative, the judicial and the executive. Thus his commission to Leonard Calvert "constitutes, ordaines and appoints him our Lieutenant Generall, Admirall, Marshall, Chancellor, Chiefe Justice, Chiefe Magistrate, Chiefe Capt & Comder as well by sea as by land" (3 Ar. 152–3); and when Leonard Calvert was temporarily absent he transferred to "my welbeloved cosin william Brainthw[t] Esq." the same offices (Id. 160). The same are embraced in the commission to William Stone (Id. 202–3); and he appointed Thomas Greene, Esq. "to bee his said Lopps Lieveten[a]nt Generall, Chancellor, Keep of the great Seale, Admirall, chiefe Justice, Magistrate & Comander as well by Sea as by land of this his Lopps Province of

Maryland and the Islands to the same belonging" (Id. 231, 241). We find the same wide range of authority and power conferred upon Thomas Hatton (Id. 255), and upon Charles Calvert (Id. 542), and the Governor and "Councell" contract "Peace with the Cynicoes Indians" and "make a Warre wth the Susquahannoughs" (2 Ar. 378), exercising the highest attribute of sovereignty. The same power was conferred by the council on Robert Evelin (Id. 102); on Cornwallis (Id. 133), and on Fleet (Id. 150). And this was in full harmony with the claim of Leonard Calvert years before (1642). On that occasion the Assembly "expressing a great Opposition to the march against certain Indians the Lieu^{t} General told the Burgesses he did not intend to advise with them whether there should be a march or not for that Judgment belonged solely to himself as appeared by the Clause of the Patent touching the power of war and peace, but to see what Assistance they would Contribute to it in case he should think fit to go" (1 Ar. 130). The exercise of such high power was the complaint of the commissioners, Bennett and Clayborne, who charged that these colonial officials had pressed against the adherents of the Commonwealth charges of "Sedition & Rebellion *against the Lord Baltemore*, whereby not onely the Lands, houses and plantations of many hundreds of people, but also their Estates and lives

were liable to be taken away at the pleasure of the aforesaid Lord Baltemore and his officers" (Id. 312).

It is true that the charter in giving "free full and absolute Power to Ordain, Make and Enact LAWS" provides that this be done "with the Advice Assent & Approbation of the Freemen of the Province"—but this no more constituted them the legislating power than the requirement at the present day, that certain appointments of the executive shall be subject to confirmation by the senate, constitutes the senate the appointing power. On the contrary, we read of measures discussed and adopted by the assembly and the addition "then the Lieu^{t} General enacted it in his Lordships name for a Law" (1 Ar. 136). Indeed the common form of enactment was "Be it Enacted by the Lord Proprietary with the Assent of the Vpper and Lower howse of the General Assembly" but in the troubled and uncertain times of the English revolution we find them entered "Acts made by William Stone Governor" (1 Ar. 285, 299). Acts passed by the General Assembly and approved by the Governor had force until laid before the Proprietary when his "disassent" rendered them void (1 Ar. 75). It was no uncommon thing for acts passed by the General Assembly to fail of approval by the Governor; and in some instances acts that had passed and met the approval of the Governor

were rejected by the Lord Proprietary when examined by him in England. And his dignity and authority were protected by this rigorous enactment.

"All mutinous or sedicious speeches, practices or attempts (without force) tending to divert the obedience of the people from the right Ho^ble^ Cecilius nowe Lord Baron of Baltemore, and Lord and Proprietary of this Province or his heirs Lords & Proprietaries of the Province or the Governor of or vnder him or them for the time being (and proved by two sworne witnesses shalbe lyable to bee punished with imprisonm^t^ during pleasure, not exceeding one whole yeare, fined, banishm^t^ boaring of the Tongue, slitting the nose cutting of one or both Eares, whipping, branding with a redd hot Iron in the hand or forhead, any one or more of these as the Provinciall Court shall thinke fitt."

If such offence was coupled with force, to this assortment of penalties were added—

"losse of hand or the paines of death, confiscacōn of all lands, goods & chattells within the Province banishm^t^ ymprisonm^t^ during life any one or more of these as the Provinciall Court shall adiudge" (1 Ar. 428).

Meanwhile it required great tact to keep in harmony with the shifting powers of the home government, and, taking one consideration with another, their lot upon the political fence was not a happy one.

The determined effort evidently was to be upon the side of whatever party was dominant in England.

In November, 1649, Greene acting as Governor in the temporary absence of Governor Stone, proclaimed Charles, "the most renowned Prince of Wales the vndoubted rightfull heir to all the dominions of his ffather Charles of blessed memory and Kinge of England Scotland ffrance and Ireland defender of the ffaith &c" and followed this by "a general pardon to all and every the Inhabitants of this Province for all and every Offense and Offenses by them or any of them committed" (3 Ar. 243). In 1654 Governor Stone proclaimed the Commonwealth the government of England and Oliver Cromwell Protector, and granted "a Generall pardon of all offenses Committed in this Province Since the last Generall pardon" (Id. 304). And a Paper in the Public Record Office declares "itt is notoriously knowne that by his express directions his officers and the people there did adhere to the Interests of this Commonwealth when all the other English Plantations" did otherwise (Id. 280). But the English Commonwealth ceased to be and the Stuart dynasty re-ascended the throne, and then, on the nineteenth of November, 1660, the

"Gou^{r} & Councill" "by the speciall order and authority of the Right Honno^{ble} the Lord Proprietary of the Province, Doe according to our duty and allegiance, heartily joyfully

and vnanimously acknowledge and proclaime, that imediately upon the decease of our late Soueraigne Lord King Charles the Jmperiall Crowne of the Realme of England and of all the kindoms Dominions and Rights belonging to the same Did by inherent birthright, and lawfull and vndoubted Succession descend and come to his Most Excellent Ma^{ty} Charles the Second as being lineally, iustly and lawfully next heire of the bloud Royall of this Realme" (3 Ar. 393).

And yet, five years before, the colonists, by direction of the Proprietary, were so loyal to the existing government as to execute official bonds running to "Oliver Lord Protector of England" (3 Ar. 318).

Land System.

The whole territory described by Lord Baltimore's charter was granted to him absolutely, subject only to the payment to the king of England of two Indian arrows a year, and he was enabled thereby to hold out strong inducements to settlers by proffers of land in large tracts to those who would occupy and improve it. It was not easy however to protect them in the titles granted by him in the manner which was practiced in England, and in 1639 an act was passed rendering enrolment by the Secretary of the Province essential to the perfection of a title by grant from the Lord Proprietary, and another requiring the "Register of every Court to keep a book of Record, in

which he shall enter all grants, Conveyances, Titles, and successions to land at the request of any one desiring the same to be entred" (1 Ar. 61, 63).

Voluntary enrolments were much neglected, and the enrolments, made in the Secretary's office under this provision, were "mostly lost or embezzled in the rebellion of 1644," and efforts were made to replace them from the original grants as far as possible (Id. 329; 3 Ar. 230). But the voluntary recording of conveyances, no special sanction being given to the record, proved ineffectual, and in 1671 an act was passed which has undergone very little modification from that day to this, and is substantially our conveyancing, and record system of to-day (2 Ar. 305, 389).

In the "Conditions of Plantations" proclaimed by Lord Baltimore in 1636 (3 Ar. 47), in those of 1642 (Id. 99), and in those of 1648 (Id. 223, 233), liberal grants of land were made to all settlers who chose to avail themselves of them—so much to each man, so much additional for his wife, for each minor child, and for each servant—to be held by the grantee perpetually, yielding specified rents to the Lord Proprietary, thus initiating the unfortunate system of "ground-rents," of the pernicious effects of which we have not yet seen the end.

Special grants of tracts to be "erected into a Mannor," "with such Royalties and Priviledges as are most usually belonging unto Mannors in

Engl[d]" were promised and made: Manors of two thousand acres to any person who in any one year transported twenty settlers to the province (3 Ar. 223); manors of three thousand acres to any one who transported thirty persons (Id. 233); while Robert Brooke, for transporting himself, wife, eight sons, two daughters, twenty-one men servants and eight maid servants, was granted one whole county wherever he might see fit to locate, and was made commander and the embodiment of nearly all other offices in such county, as well as a member of the colonial council (3 Ar. 237, 240, 256).

This county was located on the south side of the Patuxent River and called Charles County (3 Ar. 260). But only four years passed before Lord Baltimore lost his abundant love for, and confidence in Robert Brooke, and proceeded to "make Void and Villify" that order and to order that Charles County be absorbed into and make a part of Calvert County (3 Ar. 308).

Among the claims for land under the pledges of Lord Baltimore we find the Jesuit, Thomas Copley, who demanded twenty thousand acres of land for transporting certain persons, twenty in number, into the province, and in his list of persons so transported we find the names, well known to us, of the Jesuit fathers, Mr. Andrew White and Mr. Jo: Altam (3 Ar. 258).

But extensive as was his territory, and lavish as he was in bestowing it upon his subjects, Lord Baltimore apparently had a craving for all the land that joined him, and the gathering of the State's Archives has brought us from the Public Record Office in London, a letter addressed to him by the King as early as July, 1638, rebuking him most sharply for his dealings with the "Planters in the Island near Virginia which they have nominated Kentish Island," warning him to desist and closing with the menacing suggestion, "herein we expect your ready conformity, that we may have no cause of any further mislike" (3 Ar. 78).

But the boundary between Virginia and Maryland on the "Easterne Shore" continued to be a fruitful source of misunderstanding. Oliver Cromwell, in 1653, interposed his authority, as "Captayne Generall of all the forces of the Commonwealth," in most devout phrase, to obtain a "speedy resolution of the question" (3 Ar. 296). Lord Baltimore sent over maps (Id. 319, 327); Commissioners were appointed, and various expedients resorted to, but the question was not resolved in Cromwell's day, as he had hoped.

Upon their other side toward the "Swedish nation inhabiting in Delaware Bay," a conciliatory tone was adopted in order "to worke and prcure an Intercourse of trade and Commerce" "which probably may redound much to the benefitt and

advantage of this Commonwealth" (Governor Stone, March 1653, 3 Ar. 300).

But when the Dutch planted themselves on the Delaware his Lordship gave "Instruction & Command to send to the Dutch to Command them to be gon." This mission was entrusted to Coll: Nathaniel Vtie of Baltimore County, and he was ordered to

> "make his repaire to the pretended Governor of a People seated in Delaware Bay . . and to require him to depart the Province. . . That in case he find opportunity he insinuate vnto the People there seated that in case they make theyr application to his Lordships Govern[t] heere they shall find good Condicõns to all Commers w[ch] shall be made good to them" &c. (3 Ar. 365).

In the negotiations which followed, though there is much to interest and amuse, there is very little of which Marylanders can be proud. The Dutch state their case clearly, logically, and firmly, though mildly, and conclude "Soe wishing the Lord God Allmighty will Conduct your honno[rs] both to all prudent results that Wee may liue neighbourly together in this Wilderness to the advancement of Gods Glory and Kingdome of Heaven amongst the Heathens and not to the Destruction of each others Christian bloud whereby to strenigthen the Barbarous Jndians nay rather ioyne in loue and league together against them Which God our Saviour will grant" (3 Ar. 374, 5).

Lord Baltimore blusters, has no name for them but "Ennemies Pyratts & Robbers," orders an expedition against them, "to make Warre against and to pursue said Ennemies Pyratts & Robbers to vanquish & take them And to seize and keep all or any howses and Goods" &c. (Id. 427). But the council deeming discretion the better part of valor, and, apprehending that they could get no assistance from New England or Virginia for the expedition, resolved that "All Attempts be forborne against the said towne of New Amstell & that they finde certainely whether the said towne of New Amstell doe lye within the fortyth degree of Northerly Latidude or not" (Id. 428).

Lord Baltimore was evidently a master of such emphatic epithets and fond of rigorous measures. Captain William Clayborne had all his property of every kind seized for his "sundry insolences Contempts and Rebellions against our lawfull Government and Propriety" (3 Ar. 76, 82, &c.), and was held unpardonable (Id. 205, 221). Ingle is a "rebel," a "pirate" (1 Ar. 238, 270, 301), and a "Notorious and ungrateful villain" (3 Ar. 214, 216), and is exempted from pardon: Gov. Fendall is a "perfideous and perjured fellowe" "a false and vngrateful fellowe" (1 Ar. 420), and is excluded from all pardon (3 Ar. 396). William ffuller is a "violent jncendiary and Seditious

'pson" (3 Ar. 400). John Jenkins and others the same (Id. 445).

While thus jealous of trespasses upon his territory, however, the privileges of settlers which were originally only accorded to English and Irish were extended in 1648 to French, Dutch and Italians (3 Ar. 222, 232), but he excluded from these privileges all "corporations, Societies, Fraternities, Guilds, or Bodies Politick either Spiritual or Temporal," and did not permit any grants that he had made to be assigned to such (3 Ar. 227, 235), "Because all Secrett trusts are usually intended to decieve the Government and State where they are made or some other persons" (Id. 237), and the importation of convicted felons was specially prohibited (2 Ar. 485).

Special encouragement was given to settlers on the Eastern Shore of Virginia to immigrate into the adjoining counties of Maryland (3 Ar. 469, 495), and naturalization was granted to all applicants as a matter of course, as readily as it now is (2 Ar. 144, 205, 271, 282, 330, 400, 403, 460, &c.), without requiring of them that most absurd oath that is now exacted. They merely "promised & engaged to submitt to the Authority of the Right Hon: ble Caecilius Lord Baltemore" (3 Ar. 339, 398, 429, 435, 465, 466, 470, 488, 514, 529, 533, 557, &c.).

The Labor System.

Intimately connected of course with the tenure of land was the system of labor, and this, according to the practice in England in that day, was largely servile labor. As already seen, inducements were held out to colonists to transport to the colony as many servants as possible by grants of land proportioned to the number transported. These servants were of two classes—slaves and indentured apprentices, or persons under contract to serve a certain length of time, to repay the cost of their passage from England. In some instances it appears that the length of the period of service was limited by contract entered into before leaving England, and in others was left uncertain, subject to subsequent adjustment. This could not fail to lead to disagreement, and call for legal interposition, and among the laws proposed to the General Assembly of 1638–9, debated and approved, and which failed to become a law, (with all the others then considered) after engrossment, was one "That all persons being Christians (Slaves excepted) of the age of eighteen years or above and brought into this province at the charge and adventure of some other person shall serve such person at whoes charge and adventure they were so transported for the full terme of foure years" and "All persons under the age of eighteen yeeres shall serve until

such person shall be of the full age of four and twenty Years" (1 Ar. 80).

Some, however, it is manifest did not submissively render the service which they owed, and in 1641, running away was made felony punishable with death (1 Ar. 107). In 1643 a letter was addressed "to the Governor of the New Netherlands," complaining that "Some servants being lately fledd out of this colony, into yours, we could not but promise o^r^selves from you that iustice & faire correspondence as to hope that you will remand to vs all such apprentice servants as are or shall run out of this goverm^t^ in to Yours," &c. (3 Ar. 134). For the purpose of recovering fugitive servants who took refuge among the Indians, an article was inserted in the treaty with the "Jndian Nation of Sasquesahanogh," in July, 1652, which provided that any servant escaping from the one nation and taking refuge with the other "shall with all Convenient speede be retourned back and brought home" (Id. 277). In the same year with the letter to the Governor of the New Netherlands, Lord Baltimore as a matter of economy directed

"That all my carpenters & other apprentice servants be sold forthwith for my best advantage, w^ch^ I vnderstand will yield at least 2000^wt^ tob apiece althoughe they have but one yeare to serve, especially if they be carpenters, for I vnderstand that 1500^wt^ of tob is an vsuall rate for the hire of

one yeares labour of any ordinary servant. And I conceive it better to hire at a certainty such servants from yeare to yeare as my Commis^rs shall find necessary to looke to my cattell, provide sufficient fodder for them, & to manage my farme at west S^t maries, . . then to have servants apprentices there for that purpose, & to send supplies yearly out of England to them" (3 Ar. 141).

In 1654, and again in 1661, acts were passed prescribing the time which servants should serve those who brought them into the province, grading the time of service from four to seven years, according to the age of the servants, or if they were under twelve years when brought they were not to be free till they reached the age of twenty-one years. These acts required the "masters and owners" of these servants to take them to the Court on their arrival, that the Court might "Judge of their age" and enter the same of record, and to allow them "at the Expiration of their Severall times of Service besides their old Cloathes one Cloth suit one pair of Canvis Drawers, one pair of Shoes & stockings one new Hatt or Capp, one falling Axe one weeding Hoe, two Shirts and three Barrells of Corne" (1 Ar. 352, 409). By the act of 1666 the length of time of serving was increased by one year upon most of the grades of servants (2 Ar. 147). See also Id. 335, 523.

To guard against the loss of slaves by their claiming freedom "according to the lawe of Eng-

land" as the result of their becoming Christianized and receiving baptism, a law was passed in 1664 that

"all Negroes and other slaues shall serue Durante Vita, And all Children born of any Negro or other slaue be Slaues as their ffathers were for the terme of their liues And forasmuch as divers free borne English women forgettfull of their free Condicõn and to the disgrace of our Nation doe intermarry with Negro Slaues . . . whatsoever free borne woman shall intermarry with any slaue shall Serue the master of such slaue dureing the life of her husband And all the issue of such freeborne woemen soe marryed shall be Slaues as their fathers were" (1 Ar. 526, 533).

But even this act did not sufficiently inspire confidence in the security of this species of property so but what "Severall of the good people of this Prouince were discouraged to import Negroes," and others "to the Great displeasure of Almighty God and the prejudice of the Soules of those poor people Neglected to instruct them in the Christian faith or to Endure or permitt them to Receive the holy Sacrament of Baptisme for the Remission of their Sinns" and it was accordingly enacted in 1671, that "becoming Christian, or receiving the Holy Sacrament of Baptizme"

"the same is not nor shall or ought the same to be denyed adjudged Construed or taken tobe or to amount vnto a manumicõn or freeing Inlarging or discharging any such Negroe or Negroes Slaue

or Slaues or any his or their Issue or Issues from his her their or any of their Servitude or Servitudes Bondage or bondages" (2 Ar. 272).

In the revolutionary times of the Commonwealth (1651), an example was set which has been followed in later times, and the power was conferred "to discharge and set free from their masters all such persons soe serving as Soldiers" (3 Ar. 265), as was also another Example by which "all such persons as haue approved themselves faithfull to his Lo^p^ and don good service were preferred before any others to such places & imployments of trust & profitt as they may be respectively capeable of" (Id. 326).

It was thought necessary in 1666 to enact a law "prohibiting Negros, or any other Seruants to keepe piggs hoggs or any other sort of Swyne, uppon any pretence whatsoeur" (2 Ar. 75), and down to the end of the period covered by these volumes, there was felt to be a necessity for stringent, and yet more stringent laws for preventing the escape of the owned laborers, and securing the return of "Runnawaies" (2 Ar. 146, 298, 523, &c.)

Currency.

The money question was a very serious one with the colonists, and they were forced to devices which would have added lustre to the financial fame of

Lycurgus if he could have hit upon such financial expedients for Sparta. Besides the Indian currency of Peake and Roanoake, which was employed to some extent (3 Ar. 502, 530, 549, 555), Tobacco was a legal tender from the first, though not the exclusive one. In May, 1638, Capt. Henry ffleete gave bond to the government in the penalty of "one hundred pound weight of good beaver" not to trade with any Indians or "transport any truck throughe any part of this Province to trade with any Indians on the South side of Patowmeck River" (1 Ar. 74). In 1640 in collecting his rents Lord Baltimore authorized them to be received in the "Commodities of the Country" and "four pound of tobacco or one peck of wheat" was the equivalent of twelve pence, and two capons equal to "sixteen pound of Tobacco or one Bushel of wheat." Official fees and salaries were rated in tobacco (1 Ar. 57); taxes for ordinary and extraordinary expenses were levied in tobacco (3 Ar. 119, 124); and fines and penalties imposed in tobacco. Governor Charles Calvert (3 Ar. 477), the council (Id. 480), and the General Assembly (2 Ar. 35, 6, 7, 8, 143, &c.), designate tobacco as the "commodity," "the only comodity by which this province doth at present Subsist." But as the supply of this fiat money was practically unlimited, and so became a nuisance, the legislative power required creditors to forbear all collect-

ing of their debts, or accept "Tobacco att the rate of Three halfe pence sterling by the pound of tobacco" (2 Ar. 142, 220). Another measure of relief adopted (1662), was "an acte for Encouragem[t] of soweing English Grayne," which provided "that wheate here groweing shall pass and be taken at fiue shillings the Bushell: Barley and English pease att three shillings the Bushell, Rye at foure shillings the bushell and oates att two shillings six pence the Bushell" and should be receivable for all debts, public or private, and discount tobacco debts at two pence per pound (1 Ar. 445), and the Lord Proprietary published an ordinance for receiving "dry hydes at two [d]p[l] and raw hydes at 1[d] ½ 'p pound" (3 Ar. 458).

As in mining regions the search for precious metals banishes all ordinary agricultural pursuits, so here the production of tobacco—the substitute for a circulating medium—threatened the colony with starvation. In 1640 a penal act was passed requiring every hand planting tobacco to plant and tend "two acres of Corne," and at the same time another "prohibiting the exportation of Corne"; and the inspection of tobacco, by one of the three viewers who were appointed in every hundred, was made compulsory (1 Ar. 97). These acts or some of them were renewed in 1642 (1 Ar. 160), and repeatedly thereafter (Id. 217, 251, 309, 350, 360, 371; 2 Ar. 561; 3 Ar. 48). But the

depreciation of this currency (tobacco), as the result of over production, was so serious an evil, that the colonists made effort after effort for relief, by compelling the suspension of its cultivation (3 Ar. 340, 476, 504, 506, 547). And in 1666 an elaborate non-production treaty was negotiated with Virginia (3 Ar. 550, 558). Lord Baltimore, however, sent from England his "'Pticular & expresse Disassent, Dissagreement & Disapprobacōn" of the measure and it of course was a nullity (Id. 561). Lord Baltimore tried to furnish a better currency than tobacco by coining money in England and sending it over to the colony (3 Ar. 383, 385); but the Council of State in October, 1659, at the instance of Richard Pight, "Clerk of the Irons in the Mint," "ordered That a Warrant be issued forth for the apprehending of the Lord Baltamore and such others as are suspected be engaged with him in making and transporting money" &c. (Id. 365). Change of administration at home wrought change of condition here, and, in 1661, there was passed "an acte for the Setting vp of a Mint within this Province of Maryland" (1 Ar. 414), and steps were taken to provide bullion for its working and to force its coinage into circulation (Id. 429, 444).

Some idea of the purchasing power of tobacco in exchange for necessaries and luxuries may be formed from the bill presented to the General

Assembly (April 21, 1666), by "John Lawson, High Sheriffe of St. Maries," for executing a negro and two Indians. The items are:

To 2 dayes imprisonm^{t} the Negro wth dyett	060
To a man to watch him 2 dayes & 1 night	040
To the s^{d} man for his dyett & paynes	070
To Graue making & other Expences	095
To the Exequuting the s^{d} 3 persons	800
	1065

but this was deemed an overcharge and he was voted a round thousand pounds in full settlement (2 Ar. 94).

General Assembly.

The right of assent or dissent to the laws which Lord Baltimore should propose was conferred upon all the freemen of the province. They were called to meet by proclamation of the Governor and all had a right to participate, but it was promptly provided that the freemen of any locality might meet and "Elect and nominate such and so many persons as they or the maior part of them so assembled shall agree vpon to be the deputies or burgesses for the said freemen in their name and steed to advise and consult of such things as shalbe brought into deliberation in the said assembly" (1 Ar. 74, 154, 259). It was thus a "General Assembly" in fact,—a name that we retain though we have long ceased to know the thing itself.

The Governor exercised the right of requiring by special "Writt" the attendance of anyone not sent as a deputy, and any refusal or neglect to send deputies, or to attend if deputized, or summoned, rendered the "Refusers or Neglecters according to their demerits" liable to a fine, and to be "Declared Enemies to the publick peace of the Province and rebell to the lawful Government thereof" (1 Ar. 328). It was allowable however for any person to be present by proxy instead of in person, and on some occasions the proxies were as numerous as the persons in attendance and some two or three held enough to be a majority of the body.

The assembly when convened was expected to attend to business. At its first meeting the rule adopted was "The house shall sit every day holy days excepted at eight of the Clock in the morning & if any Gentleman or Burgess not appearing upon call at such time as the President is set at or after such hour shall be amerced 20^{lb} of Tobacco to be forthwth paid to the use of the house" (1 Ar. 53), and on the journal at repeated roll calls the entry opposite to names is "Amerced for tardie" (Id. 36, 37, 39), and the amount of the fine for tardiness was, some years later, increased to one hundred pounds (Id. 131), and subsequently reduced to fifty pounds of tobacco (Id. 274). There was also some change in the hour of meeting,

special adjournment being made at times to seven o'clock in the morning (2 Ar. 74, 83, 86, 184), never till later than nine. It seems probable, however, that time pieces were not so numerous or accurate as to prevent disputes on the question of tardiness, for in 1642 they adopted this rule, "the drum to beat as near as may be to sun rising and half an hours distance between each beating," and every man who would avoid the fine must be in his place "at the third beating of the drum"—that is one hour after sun rise, and as this was in the month of July, the meeting must have been a little before six o'clock in the morning (1 Ar. 131). That may have been found slightly to interfere with committee work, for the distance between drum beats was, at a subsequent session, changed to one hour (Id. 171).

There was one person in the province who inclined to a very broad interpretation of the term "freemen" as fixing the qualification of persons to sit in the General Assembly. This was Mrs. Margaret Brent, kinswoman of the Calverts, first of her sex here to demand equal rights for women. To the session of 1647-8 she

"came and requested to have vote in the howse for her selfe and voyce allso for that at the last Court 3^{d} Jan: it was ordered that the said M^{rs} Brent was to be lookd uppon and received as his Lp^{s} Attorney. The Gou^{r} denyed that the s^{d} Mrs Brent

should have any uote in the howse. And the s[d] Mrs Brent protested agst all proceedings in this pnt Assembly unlesse shee may be pnt. and have vote as afores[d]" (1 Ar. 215).

Though the Governor was thus ungallant, and the Lord Proprietary regarded her with anything but favor, the General Assembly appreciated her courage, tact, and ability, in a most perilous time and wrote to his Lordship a year later:

"As for Mrs. Brents undertaking & medling with your Lordships Estate here we do verily Believe and in Conscience report that it was better for the Collonys safety at that time in her hands than in any mans else in the whole Province after your Brothers death for the soldiers would never have treated any other with that Civility and respect and though they were even ready at several times to run into mutiny yet she still pacified them till at the last things were brought to that strait that she must be admitted and declared your Lordships attorney by an order of Court or else all must go to ruin Again and then the second mischief had been doubtless far greater than the former so that . . . we conceive from that time she rather deserved favour from your Honour for her so much Concurring to the publick safety then to be justly liable to all those bitter invectives you have been pleased to express against her" (1 Ar. 239).

In 1650 it was determined that the Assembly

"be held by way of vpper & Lower howse to sitt in two distinct roomes apart for the more convenient dispatch of the business to bee consulted of. And th[t] the Gou[r] and Secretary

or any one or more of the Counsell for the vpper howse, And any fiue or more of the Burgesses assembled Shall haue the full power of & bee two howses of Assembly to all intents and purposes. And all Bills passed by the s^{d} two howses shall have the same effect in Law as if they were aduised and assented unto by all the ffreemen of the Province personally" (1 Ar. 272).

That arrangement though then adopted for only the current session still continues. The names by which they appear in the archives are "Upper howse" and "Lower Howse" though the latter in 1675 took to itself the alias name of "House of Commons" (2 Ar. 440). His Lordship retained the prerogative of convening the Assembly when he pleased, and of summoning to sit in it such number as he pleased; but in the time of the Commonwealth, instructed perhaps by events that had transpired in England, it was enacted that the Assembly should be convened at least once in three years (1 Ar. 341), and in 1676 the "Cittizens and deputies of the lower howse of Assembly" complained so loudly to his Lordship because "by his Lordships command fower deputies or delegates had been elected" in each county and then "but two were called by his Lord^{ps} Writt To Sitte in the Assembly" that his Lordship yielded to the request, only exacting an oath of allegiance to himself (2 Ar. 507).

The General Assembly thus constituted, both before and after its division into two houses,

shows a purpose to do things decently and in order, and a determination to protect its own prerogatives and dignity. At its first meeting it adopted as a standing rule of order what it often reiterated, till it obtains at the present day—that "no One shall refute another with any nipping or vncivill terms nor shall name another but by some Circumloquation as the Gentlemen or Burgess that spake last or that argued for or against this bill" (1 Ar. 33, 131, 171, 215, 273; 2 Ar. 64, 441). But they apparently found occasion to check something more objectionable than "reuiling speeches," for they adopted the rule that "noe one shall come into eyther of the howses whillst they are sett, with any gun or weapon uppon perill of such fine or censure as the howses shall thinke fitt" (1 Ar. 216, 273; 2 Ar. 65, 441).

The daily sitting would seem to have been terminated at first at the will of the Governor, or Lieutenant General, as the closing entry of the journal each day is "Governor (or Lieutenant General) adjourned the house" (1 Ar. 173, 175, &c.) And though in 1642 "it was declared by the howse that the howse of Assembly may not be adjourn'd or Prorogued but by and with the Consent of the howse" (1 Ar. 117), and a little later there was "the protest of some of the howse against his Lordships power of adjournment"

(1 Ar. 180), his Lordship did not yield the right, and it is only for a short time that we find such entries as "the howse adjourned itself" or "the howse was adjourned by the speaker" (1 Ar. 276, &c.)

Between the two houses a jealousy was soon developed which gave rise to some sharp verbal contentions between them. The one insisted on being regarded as the UPPER House; and the other sturdily maintained an equality, if not superiority. In 1660 it sent "to the Governor and Councell" a message "that this Assembly of Burgesses iudging themselves to be a lawfull Assembly without dependence on any other power in the Province now in being is the highest Court of Judicature. And if any Obiection can be made to the Contrary Wee desire to heare it" (1 Ar. 388). To this communication the upper house gave a somewhat menacing answer "vpon the delivery of w^{ch} paper" says its journal "the Burgesses desired a Conference with this Vpper howse by M^{r} Slye and M^{r} Thomas Hinson which was Condisended unto." At the conference that followed the Burgesses "intimated that they could not allowe this howse to be a vpper howse" but were willing to "sitt with it as one body." The Governor (Fendall) assented to the arrangement on certain "tearmes" which were so distasteful to the Secretary (Philip Calvert), that he "refused to enter

into the lower howse, it being a manifest breach of his Lo^ps^ Right Royall Jurisdiction and Seigniory." When they again sat in two houses each appears to have stood stiffly upon its dignity with the other. In 1666 the lower house resent "that their proposals to the Upper Howse for the General Good of this Province upon their Remand from thence hither shall be thus scrible Scrawled & obliterated" (2 Ar. 24), and demand satisfaction for such an offense. A few days later the lower house "desires the upper howse to signify their Assent or Disassent immediately" to a measure it had adopted "for that this howse are resolved to have no further debate thereon" (Id. 37). This was met by a response equally peremptory, and a member was sent to "make known to the Speaker that the Governour expects him with the whole Lower howse in the room where the Upper Howse sitts within half an hour at furthest." The lower house replied that it did not intend by what it had done "to disgust the Upper Howse," and was then soundly lectured and bidden to "take this rule by the Way Obstinate Fortitude is as pernicious to the commonWealth as fearful Honesty" (Id. 42), a proverb that would have done no discredit to Sancho Panza himself. But the upper house could go further than merely lecture the lower in case of disagreement. On the twenty-third of April, 1669, it (consisting of seven members) ordered:

"that the Chancellour & some of the Members of this house go to the Lower House and require them to raze the mutinous & seditious Votes contained in the paper Entituled The Publick Grievances delivered into this House by the Speaker the 20th April last out of their Journall Before which is done this House is Resolved to treat with them no further. It being adjudged in this House that it is an Arraignment of the Lord Proprietor the Governor & Council" (2 Ar. 177).

For the four succeeding days the two august bodies maintained a most pugnacious attitude. The upper house imperiously demanded an expurgation of the journal of the lower house; and the lower gave reason and rhetoric for its refusal. It said:

"We are sorry exceeding Sorry that We are driven to Say that your Answer & Objections to the paper Entituled the Publick Grievances are not Satisfactory or that by the refulgent Lustre of the Eradiations of Reason that shine & dart from them the weak & dim Eye of our Understandings is dazled & struck into Obscurity . . . We shall be willing to have our Journal Contradicted, expunged, obliterated, burnt, anything, and to have our Grievances appear in any form or dress of words most pleasing to yourselves if We might be assured that the Weight and pressure of them vnder which the Country groans & cryes might be removed" (Id. 180).

The obnoxious entry was in the end compromisingly removed, though the "Grievances" were but partially so.

The vigilance with which both houses guarded their dignity and punished "Contempt" and the

latitude given to the definition of "Contempt" spared neither bar-room nor pulpit. Upon the journal of the upper house is entered, "then came a Member from the Lower House to desire leave to Speak with Col. Wm. Evans being a Member of this House which was granted" (2 Ar. 14).

Mr. James Browne "being Elected as one of the Deputies & Delegates of Baltimore County" did not "attend his service of the Country in the General Assembly," and it was "ordered thereupon that the said James Browne be for his Contempt af[d] fined forty pounds Sterling" (2 Ar. 243).

If the absence of the member was involuntary it would seem that the absentee was subjected to no punishment except the loss of pay and perquisites; for at the end of the session of 1650, when the committee brought in their "bill of charges" and allowed each member fifty pounds of tobacco for each day's attendance they report "As for that M[r] ffrancis Brooks was not able through sickness to attend the howse, and drawing of his wine the Committee thinke fitt, not to provide for him att all" (1 Ar. 284).

But when the person supposed to be guilty of contempt was within reach he did not escape with a mere fine. James Lewis "had abused Mr. Vanhacke one of the members of the Lower House" and for this contempt the upper house "Ordered

that the said James Lewis go into the Lower House and upon his Knees ask the whole House forgiveness and Mr. Vanhacke in particular and pay for a fine 2000 lb tob°" (Id. 254).

More grievous still was the contempt, and the punishment of "Edward Erbury Merchant of the Sare of Bristoll," against whom it was alleged (May first, 1666):

"there was an abuse Comitted last night to the disturbance of the whole howse in their quiett & rest. And the s^d^ Erbury did call the whole howse Papists, Rogues, ——Rogues" . . . "and there is not one in the Cuntry deserves to keepe me Company;" . . . "and vpon a full debate thereon had in this howse, They doe judge the same to be a scandall to the Lord Prop^r^ to his Lieutenn^t^ Generall & to both howses of Assembly & a greate Refleccõn upon the whole Province in Generall And therefore vnanimously voted by this howse that the s^d^ Erbury be brought before this howse to giue answere to the abovesaid Charge in relacõn to those Informacõns now giuen in ag^t^ him."

And he was accordingly brought before the house and being

"taxed by the speaker of all those words spoken . . . . he answered that he remembered none of those words as is alledged Only he Confesseth that he was in drinke and remembers not that ever he spoke such words. Which answere being taken into Consideracõn the howse doe judge the same altogether vnsattisfactory & th^t^ noe 'pson of full age shall take advantage by drunkennes in such case."

And the lower house upon this conviction referred the case to the upper house to prescribe fit punishment for the grave offense, and

"the vpper howse doe order that the s[d] Erbury be tyed to the Aple tree before the howse of Assembly & be there publickly whipt vpon the bare back with thirty-nine lashes . . . & that the s[d] Erbury doe pay the sheriff his fees. . . . And further ordered that the s[d] Erbury be after he is whipt brought into both howses of Assembly publickly to aske them forgiueness" (2 Ar. 55, 120).

On Wednesday, April fourteenth, 1669, Charles Nicholett preached a sermon before the lower house in which he exhorted them to "Beware of that sin of permission," and "to goe on with Courage" to discharge their duties "agreeable to their own Conscience," and it being thereupon charged in the upper house "that Charles Nicholett hath spoken seditious Words against the Government of the Province, It is ordered that a Messenger be dispatched away to fetch the said Nicholett to make his Appearance in this House to abide the Censure of the House for the said Seditious Speeches" (Id. 159). His explanation when he appeared, though not the same as Erbury's was no more satisfactory than his had been, and it was thereupon:

"Ordered that the said Nicholett go to the Lower House & there acknowledge his Error in his late Ser-

mon preached to the Lower House in that he medled with Businesses relating merely to the Government & there to crave the pardon of the Lord Proprietor the Lieutenant General & the Assembly & that he bring the Certificate under the hand of the Clerk that he has done it in the face of the whole House . . . and that he pay unto John Gittings Clerk of the Assembly forty shillings or the value thereof in Tobacco for Fees."

This order was "returned from the lower house underneath which was written, Mr. Nicholett acknowledged in the Lower House as is above written" (Id. 163).

They appear to have been as averse to dishonesty among themselves as to political preaching by their ministers, for in the session of 1676 they enacted a fine of four thousand pounds of tobacco against Henry Ward of "Caecil County:"

"for that being a member of the last Assembly he did Informe the said lower house that he had a very good horse lost in the Country service in the expedicōn to the Whorekills And that the Lower house giveing creditt to such Informacōn did thinke fitt to allow him out of the Publick Leavy Eighteene hundred pounds of tobacco, And it is now made Evidently appeare that the said Ward lost noe such horse in the Publick service and that the said allegacōn was most egregiously false" (2 Ar. 540).

His fine was thus a little more than twice the amount of his dishonest gain.

This idea of restitution to the injured pervades many of the acts both of the General Assembly, and of the Council. Thus a servant running away was held to a double term of service (1 Ar. 348); and one harboring the runaway was responsible for all damages sustained by the escape (Id. 451). Whosoever should "wrongfully kill or carry away any marked swyne of another man's must pay double the value of such swyne to the true owner thereof, and 200^{l} of Tob. more to him that shall inform thereof, and 300^{l} of Tob. more for a ffine to the Lord Prop^{r}" (1 Ar. 251; 2 Ar. 29). This was afterwards increased to treble the value of the hogs stolen (2 Ar. 278). Again it was enacted, (1654) that "whosoever shall take and Carry away any of the Goods or Chattels of any person contrary to the owners will shall restore four fould if able and if not the person or persons so offending as aforesaid shall make the said four fould satisfaction by servitude" (1 Ar. 344).

The same principle rules in several laws which provide that a man who has incurred a debt without the means to pay it should make restitution by personal service—in other words, should work it out (1 Ar. 70, 152, 188). And, as a security for the creditor, no debtor might have a pass, without which he could not leave the county of his residence (Id. 160, 174, 194).

The same principle was applied to "letigeous persons" by providing that "all persons whatsoever that are Cast in any cause be they p.^{tr} or def^{te} shall be amerced (besides the damages and Cost to the Recoverour) ffifty pounds of Tobacco" (1 Ar. 486).

This was milder than the Council desired, for its recommendation was "that the party cast in appeale shall pay treble dammages for the prevention of vexatious sutes" (3 Ar. 341).

Perhaps the most severe application of this principle was in the provision that "if the Judge thinke any verdict greivious to either party . . . and the jury evidently partiall or willfull he may charge another jury to enquire and try by the same evidence, and if they find contrary to the former jury all the former jury may be fined at the discretion of the Judge" (1 Ar. 152).

It is probable that under this law the office of a juror became as unpopular as was the office of a constable in New York under the administration of Wouter Van Twiller. It must not be thought, however, that the Government provided no punishment for crime but restitution to the injured. On the contrary it seems to have had quite a penchant for imposing "Condigne punishm^{t}" upon a wrong doer "that Soe he may be a Tirrable Example To others of Offending" (2 Ar. 491). In the session of 1638–9 there was passed to the point of engross-

ment "an act Determining Enormious Offenses" (1 Ar. 73), designed no doubt to give a catalogue and definition of the acts which should be treated as felony and render the offender infamous. By repeated acts it was provided that the "Inhabitants of this Province shall have all their rights and liberties according to the great charter of England" (1 Ar. 83), and nothing should "in any sorte infringe or prejudice the Just and lawfull Lybertyes or priviledges of the free borne subjects of the Kingdome of England" (1 Ar. 300, 398), and that justice should have no delay was embodied in the oath of the Lieutenant General, Councillors and other officers (3 Ar. 210, 213), and in matters where there had been no special enactment for the Province, there "right & just shall be determined according to equity & good concience not neglecting (so far as the Judge or Judges shall be informed thereof & shall find no inconvenience in applycation to this Province) the rules by which right & just useth and ought to be determined in England in the same or like cases" (1 Ar. 147, 183–4, 435, 448, 487, 504, &c.)

The large discretion given to the Judge in that law was confided to the Judge, Governor or Lieutenant General by repeated acts, and the punishment of many offenses (counterfeiting for example) was left entirely at the discretion of the Governor (1 Ar. 247). Perhaps this was unavoidable in the

paucity of prisons, or means of restraint; but there were some offenses which the General Assembly determined so far as they were concerned should not by any possibility, be committed twice by the same person; and others which they wished should bear a sure punishment which all should understand could not be tempered by judicial leniency. Treason to the king, the Lord Proprietary, or the Lieutenant General, they made punishable by drawing, hanging and quartering of a man; by drawing and burning of a woman, corruption of blood and forfeiture of all property and franchises: Petit treason was to be punished by drawing and hanging of a man, by burning of a woman; sorcery, blasphemy and idolatry by burning; "Burglary, Robbery, Polygamie, Sacriledge, Sodomy and Rape" by hanging. The exceptions to these modes of punishment in this bill were two, to wit: "the punishment of death shall be inflicted on a Lord of a Mannour by beheading . . . and if the offender can read Clerklike in the judgment of the Court then the offender shall lose his hand or be burned in the hand or forehead with a hot iron & forfeit all his lands: againe offending he shall for such second offense suffer pains of death & forfeit all lands and goods and Chattells" (1 Ar. 71–2).

In 1641, and again in 1642, it was published under the Greate Seale that "It shall be felony in any apprentice servant to depart away from his or

her master or dame with intent to convey him or her selfe out of the Province," and in any other person to "Accompany such servant in such unlawfull departure. And the offenders therein shall suffer paines of death" (1 Ar. 107, 124).

In 1650, "Everyone giving false witnes vppon oath or perswading or hiring another to give such false witnes vppon oath shalbe nayled to the Pillory and loose both Eares or put to other corporall shame or correccõn as the Court shall Adiudge:" For striking an officer, or witness, or any other person in presence of the Court, the offender was to lose his hand (1 Ar. 286, 350).

"If any Idle and Buss-headed person" forged and divulged "false rumors news and reports, or by Slandering tale bearing or back biting Scandalized the Good Name of any person" he was doomed to pay "from 1000 to 2000 pounds of tobacco and be Censured by way of Satisfaction to the Party Injured thereby" (1 Ar. 343; 2 Ar. 273).

In 1663 it was enacted "Th^{t} a Pillory & Stocks bee sett vpp att every Co^{rt} howse in Each respective County & a Ducking Stoole in the most convenient place of the County," and "th^{t} the Com^{r} of each County Co^{rt} provide an iron for the burning of Malefactors wth the Lre R. & anoth^{r} wth the Lre H." (1 Ar. 490, 491). But for St. Mary's as the metropolitan County, an additional luxury was provided at the same time in the enactment "th^{t} a

Logg howse be built Twenty foot square at St. Mary's vppon the Counteyes lands for a Prison" (1 Ar. 490), at an expense of two thousand pounds of tobacco. Whether the officials were blind to their duties and privileges does not clearly appear; but three years later a law was published under the Great Seal of the Province for something more pretentious—"that there be foure acres of land neerest about the Spring on the East side of St. Maries feild be allotted to build a prison vpon and that there be tenn thousand pounds of tob. raysed out of the province to be laid out in building the prison" (2 Ar. 139). This prison was intended for the accommodation of debtors as well as criminals (Ibid. and Id. 542).

It was probably on account of the inconvenience of having but one place of detention for the whole province, and not local jealousy on the part of the County, that led to the enactment three years later "that there be a Logg house Prison Twenty ffoot square Built at Augustine Harman's in Baltymore County at an expense of tenn thousand pounds of tobacco for p'venting servants & Criminall 'psons from Running out of this Province" (2 Ar. 224).

In what part of the County Augustine Harman's was does not appear, but the commissioners of the County could not agree as to the location of the Court House, and the upper house of the Assembly, after waiting four years, decided for them, in

February, 1675, that "the most Convenient Place for the same will be the head of Gunpowder River on the North Side," and ordered it erected there accordingly (2 Ar. 430). Probably the desire to have a locality that was accessible to that part of the County that was on the "Easterne side of the bay" (3 Ar. 530), had its influence in determining the selection.

The Indian Question.

It is due to the truth of history, though it may not be flattering to pride of ancestry, to say that these volumes show that the Indians were always under suspicion, and had few rights which the colonists considered themselves bound to respect; that in fact they sympathized deeply with the feeling that is said to have induced another set of men to resolve; (1) "The earth hath the Lord given to his saints, and (2) Resolved that we are his saints." The colonists do not appear to have been ever troubled with a doubt of the power and right of King Charles to give all lands and waters absolutely to Lord Baltimore, or of Lord Baltimore to grant it on such conditions as he pleased to them; and in this firm belief they regarded vessels which came to their shores without his or their permission as pirates, and all persons presuming to place foot thereon without recognizing their allegiance to Lord Baltimore, whether Dutch, Swedes, or Indians, as intruders, trespassers, public enemies.

An illustration of this is furnished in the case of "a Certaine Ship called the Maid of Gaunt in 1654." This ship had traded in Virginia by warrant of the Governor of that province, and came into St. George's River apparently on the same peaceful errand. At all events she had shipped part of a cargo belonging to Marylanders, but upon the allegation that "the owner and Merchants thereof were Inhabitants of the King of Spain's Dominion" "Capt Thomas Webber master of the Good Ship Called the Mayflower of London" "with the assistance of said ship, men and Ammunition" captured her, held her as prize, and was sustained therein by Governor Stone (3 Ar. 297, 305).

As early as May, 1638, the council conceiving that "in so remote an Iland as the Ile of Kent and situate among divers Salvage nations, the incursions as well of the Salvages as of other enemies pyrates and robbers may probably be feared" appointed John Boteler "Captaine of the military band of that Ile of Kent in all martiall matters" with "full power to leavie muster and traine all sorts of men able to beare arms and in case of any sodaine invasions of Salvages or Pyrates to make warre and to vse all necessary meanes to the resistance and vanquishing of the enemy" (3 Ar. 75).

Among the acts engrossed for a third reading in March, 1639, but laid over with all the others was

one that required every housekeeper to have at all times in his or her house for every person "able to beare armes one Serviceable fixed gunne of bastard muskett boare one pair of bandaleers or shott bagg one pound of good powder foure pound of pistol or muskett shott and Sufficient quantity of match for match locks and of flint for fire locks" (1 Ar. 77).

In January, 1639, Governor Leonard Calvert, because that "Certain Indians of the Nation called the Maquantequats have Comitted Sundry Insolences and rapines upon the English inhabiting within this Province" and refused the satisfaction that was demanded "and therefore Compelled us to enforce them thereunto by the Justice of a warr" commissioned Nicholas Harvey to go "with any Company of English as Shall be willing to goe along sufficiently provided of arms to invade the said Mancantequuts and against them and their Lands and goods to execute and Inflict what may be inflicted by the Law of warr and the pillage and booty therein gotton to part and divide among the Company that Shall performe the Service" (3 Ar. 87). Similar declarations of war, or commissions for military service, against the "Sesquihanowes," or other aborigines were issued year after year, and sometimes two and three times in a year, and though the reason assigned at times is "Satisfaction for Outrages" it is quite as often "punish-

ing insolences," or preventing them, and the officer is commissioned "to goe out upon said Ind: or aid: confeder: as shalbe found in any suspicious manner & them to expell or vanquish & putt to death, & their armes or goods to pillage, & thereof to dispose at yo^{r} discretion, & to destroy them or any other misch: doe vnto them by law war" (3 Ar. 132, 137, &c.)

The proceedings had not always the pretence of following the laws of war. In 1641 Governor Leonard Calvert proclaimed "I do hereby authorize and declare it lawfull to any Inhabitant whatsoever of the isle of Kent to Shoot wound or kill any Indian whatsoever comeing upon the said island" (3 Ar. 99). But the colonists of Kent Island were not long to enjoy a monopoly of this amusement. The next year his proclamation was, "I doe hereby authorize all or any of the English of this Colony to shoote or kell any Indian or Indians in any part about patuxent river that shalbe scene or mett either vpon the land or water without the said bound after sixe daies after the date hereof, except such as have or bear visibly a white flag or fane" (3 Ar. 126, 147). With such measures of defense and protection it is little wonder that we find it proclaimed a few months later "these are to publish & declare that the Sesquihanowes Wicomeses, and Nantacoque Indians are enemies of this province, and as such are to

be reputed & proceeded against by all persons" (Id. 116, 118), or "noe man able to bear arms shall go to church or Chappell or any considerable distance from home without fixed gunn and 1 charge at least of powder and shott" (Id. 103, see also 1 Ar. 254).

The cattle of the colonists, unrestrained, drew no nice distinctions between the crops of their owners and those of the Indians, and their hogs running at large seem to have been a novel and attractive species of game for the Indians, who could not understand why they should not protect their own crops, and hunt all animals running in the woods, as for generations they had been accustomed to do. For redress the person who had suffered "Spoil in his Swine" was permitted to demand "satisfaction of any town whose Indians have done him such spoil;" and, in case of refusal, or delay to comply with the demand, had "free Liberty to right himself upon any the persons or Goods belonging to that Town by all means that he may" (3 Ar. 96). With this free license for reprisals it was by no means desirable that the barbarians should have civilized weapons, and so an act of the General Assembly to prevent this was passed (1648) that "noe Inhabitant of this Province shall deliver any Gunn or Ammunition to any Pagan" (1 Ar. 233); changed in form the next year to "Noe Inhabitant of this Province shall deliver any Gunne or

Gunnes or Amunicõn or other kind of Martiall Armes to any Indian borne of Indian parentage" (Id. 250).

The Governor and Council earnestly sustained this policy of disarmament (3 Ar. 144, 160, 260); and yet it did not secure satisfactory exemption from "Insolences." The Indians even had the assurance in 1666 to appear before the General Assembly and demand that one rule should be applied to both peoples. They complained:

"Your hogs & Cattle injure Us. You come too near us to live and drive Us from place to place. We can fly no further let us know where to live & how to be secured for the future from the Hogs & Cattle. Emerson hath thrown down the fence made by the Indians at Nanjimy about their corn by which eight men have lost their whole Crop of Corn for which they Complain & desire to be secured for the future. Let us have no Quarrels for Killing Hogs no more than for the Cows Eating the Indians Corn. If an Indian kill an English let him be delivered up M^rs Langsworth's children were killed and the Murtherers were delivered they found a Man Indian dead in the path killed by the English for which thay have no Satisfaction & desire it may be Considered" (2 Ar. 15).

The summary manner in which such "murtherers" were disposed of when so delivered up is illustrated by an entry in the journal of the Assembly two years later when the Lieutenant General sent it the following message:

"You have here sent you the Indian that murdered Capt. Odber it is that Rogue that caused our late Troubles Ababcos Indians have brought him M[r] Henry Coursey knows the Indian & does assure me that this is the Fellow that shott the said Odber I do hereby order that this Murderer be executed at St. Mary's toMorrow."

But the General Assembly could not tolerate such procrastination and indulgence but "Ordered that the said Wianamon be shott to death here at St. Mary's some time before three of the Clock this Afternoon" (2 Ar. 195).

The methods adopted for protection did not differ materially from those still in vogue wherever the two races come in contact:—expeditions against them,—confining them to reservations,—binding them by treaty.

The first regular expedition against them was authorized in 1642 when it was enacted that "It shalbe lawfull to the Lieutenant Generall to make an expedition ags[t] the Sesquihanoughs or other Indians as have committed the late outrages vpon the English at such time & in such manner as he shall think fitt" (1 Ar. 196, 8, &c.). In 1643 Capt. Tho Cornwaleys Esq having a "propensenes to goe a march vpon the Sesquihanowes" was authorised "for the vindication of the honour of God, & the Xtian and the English name vpon those barbarians & inhumane pagans" "to levie volunteers & to doe all other things requisite for

the training of the souldiers punishing of insolences vanquishing the enemies and disposing of the spoiles" (3 Ar. 133). In 1644 Capt. Henry ffleete was commissioned "to goe vp wth yo^{r} company to pascatoway and there to consider whether it wilbe more to the honor, safety, or advantage of the English to have war or truce wth the Sesquihanowes at this present," and if he "shall not think best to treate or truce wth them you are to vse all lawfull & discreet meanes you can to pillage or take them or if it shall seeme best to kill them; and to break off all league and treaty betweene them and our confederates" (Id. 149, 150).

In 1647 because that "sundry the inhab^{ts} of this province had sustayned diuers great losses in their estates by the Indians of Nantacoke & Wicomick" Captain John Price was commissioned "to take 30 or 40 such able men as he shall thinke fitt and make choyce of" and go to the Eastern Shore and there to "imploy his uttmost endeauor skill & force by what meanes hee may, in destroying the s^{d} Nations, as well by land as by water, eyther by killing them, taking them prisoners burning their howses destroying their Corne, or by any other meanes as he shall iudge convenient" (3 Ar. 191).

In 1652, in an expedition ordered against the "Easterne shore Indians" at the instance of the "inhabitants of the Isle of Kent" for the "Suppressing of those heathens and avenging of Guilt-

less Bloud and the preservation of our lives with our wives and children" (Id. 279) it was "ordered by the Council that for all Such Indian prisoners as Shall happē to be taken and brought in when this March is ended they shall be divided according to their Valuation upon a Generall Division throughout the Province amongst" those who had defrayed the expenses of the expedition (Id. 283-4), but that it was not intended that this enslaving of the Indians should extend beyond those whom they were pleased to consider enemies is manifest from an act of Assembly passed in 1654, enacting that "whatsoever person or persons that shall steale any friend Indian or Indians whatsoever or be accessory in Stealing them and shall sell him or them or transport them out of the County shall be punished with death" (1 Ar. 346).

Twenty years later these "friend Indians" rendered the colony such service that it was "Voted by the house th^{t} Matchcoats Corne Powder and Shott be purchased and forthwith delivered to the friend Indians by way of gratification for the Services done by the Said Indians in the late Warre ag^{t} the Susquehannough Indians, viz to the Pus-cutaway, Chapticoe, Nangemy, Mattawoman & Pamunkie Indians" (2 Ar. 488). Yet such was the distrust of everything bearing the name of Indian, that this same vote, that gave this substantial recognition of favors received from them, required them to deliver hostages to the English.

Although the proposition that "the only good Indian is a dead Indian" had not then been enunciated, yet the germ of that sentiment was clearly vital among them. Tho Matthews, with his brother Ignatius, and Henry More, in 1664, went by invitation to an entertainment given by the "Indeans of Pascataway" who "had taken two prisoners of the Johnadoes upon the North side of patomake river" and reported to Governor Charles Calvert "After I came they presently began to torter the man and gave mee this Relacõn . . . as for the Relacõn & maner of their tortering th^{m} I omitt till I shall see yo^{r} hono^{r}" (3 Ar. 501).

Though they may have been interested spectators when one tribe of Indians tortured another I find in the Archives no evidence that they themselves resorted to torture to obtain information—at least they did not when they thought a different course more certain of obtaining it (Id. 498); still, when they went to war, they meant war and not peace, and on the same date as the last occurrence the Council "Ordered th^{t} Warr be pclaimed ag^{t} the Cinego Indians th^{t} a Reward of a hundred Armes lenght of RoanOake be giuen to eury 'pson whether Indian or English th^{t} shall bring in a Cinego prison^{r} or both his Eares if he be slayne" (Id. 502), and at the same time it was declared "to be lawfull for any 'pson Jnhabiting in this prouince to kill slay or take prisoner any of the aforesaid

Cinego or Johnado Indians that shall enter this prouince" (Id. 503). But the saddest illustration of their manner of dealing with the Indians, in what they called war, which is presented in these volumes, is found in the pages that record the events of the expedition under the command of Thomas Truman against the Susquehanna Indians in 1676. These Indians, though a very powerful tribe, had shown themselves desirous of peace with the colonists, and it is proof of their favorable inclination that when a treaty was negotiated with them, the reason assigned in the Council was, because that "the Indians had a long time desired and much pressed for the conclusion of a peace with the Government and Inhabitants of this Province which as is now conceived may tend very much to the Safety & advantage of the Inhabitants here if advisedly effected" (3 Ar. 276); and, for the same reason doubtless, a further alliance offensive and defensive was made with them in 1661 (Id. 420), and yet a further one in 1666 (Id. 549), and in this last year the general Assembly had declared that the "honor of his Lordship and the English Nacōn will vndoubtedly suffer by breach of faith even to a Heathen" (2 Ar. 131), but the officers of this expedition forgot so just a sentiment.

The plain facts of this transaction seem to be that, in 1675, the Susquehanna Indians, being harassed by the Senecas, as they had often been

before, came to the English settlements, and asked for permission to live among the "friend Indians" near the settlements; and this privilege being refused them they "did condescend to remove as farr as the head of the Potowmack" (2 Ar. 429–30). Later in the season there were depredations committed upon the settlers in Baltimore and Anne Arundel Counties, and also in Virginia, and a joint expedition into the Indian country was fitted out by the two colonies under the command of Thomas Truman. He, with his force, appeared "At the forte of the Susquehannoughs . . . on the North side of Puscattuway Creek . . . on the Sabboth morning about the 25 or 26 day of September" . . . and sent a messenger to the fort and desired "some of their great men to come and Speake with the s^{d} Majo^{r} vpon which message of his there came out 3 or 4 of them;" afterwards thirty or forty. They were told "of the great jnjuries that had been done to the Country and th^{t} he came to know who they were th^{t} had done them, And the great men Replyed that it was the Senecaes." Further parley ensued, the Indians believing that pursuit of the marauders was useless, that the retiring Senecas might be at this time "at the head of the Patapscoe river," and could not be overtaken, yet they consented "To assist as Pilates and to joyne in the pursuite ag^{t} the Senecaes," and the next morning they were promptly at the place appointed

for meeting for that purpose. They were then again taxed as being themselves the authors of the injuries complained of, "and they vtterly denyed the Same and showed an old Paper and a Meddall wth a black and Yellow Ribbond thereto and the Said Indians did say that the Same was a pleadge of peace given and left with them by the former Governors as a Token of Amity and friendship as long as the Sun and Moone should last." Major Truman declared to them that he "did believe the Senecaes had done the Mischeife and not they and that he was well Satisfied Therein;" yet he placed six Indians under guard and consulted with the Virginia officers, as the affidavit expresses it

"Sitting upon a Tree Some distance from the Indians and after Some While they all Rose and came towards the Jndians and Caused them to be Bound, and after Some time they talked againe (the Virginians and particularly Collon^{ll} Wasshington urging the most sanguinary course) soe after further discourse the s^{d} Indians were carryed forth from the place where they were bound & they knocked them on the head" (2 Ar. 476, 483).

So utterly inexcusable was the act that the Lower House of the General Assembly accused Major Truman of murder;—the Upper House investigated it, examined witnesses, and the Major himself, who made no denial of the allegations against him. He was adjudged guilty and thereupon the Lower House sent the Upper House a bill of attainder

against him to which the answer returned was, that "His Lop and this House doe Conceave it not Safe for them To Vote the killing of Susquehannoughs Embassadors noe Murther for to them and all the world it does and will Certainely appear the greatest that ever hath been Committed" (2 Ar. 503). And the Upper House informed the Lower "That this house Cannot Consent to inflict a pecuniary punishment upon a person who hath been accused by the Lower House of Murder and by this House found guiltie of the Same" (Id. 512). As the result of this disagreement, as to the *mode* of punishment, between the two houses no punishment at all was inflicted upon Major Truman. In fact it may be doubted whether there was any very earnest desire for his punishment. It was only Indians that he had killed, and though the manner in which it was done was not to be commended, the thing done was not to be too severely condemned. The destruction of wolves was encouraged by the payment of a bounty from the colonial treasury (1 Ar. 346, 362, 372, 428, 446; 2 Ar. 325, 348, &c.), that of the Indians, as we have seen in repeated instances, by granting to any who would take it, the "pillage," the "spoile" of them, and the prisoners themselves for servants. This record of their treatment of the aborigines is probably the darkest chapter in the history of the colonists.

In the journal of 1666 "articles of peace and amity" between the Lord Proprietary and the

"Indians of Pascataway Anacostanck Doags" and eight other tribes are recorded, and in these the device of Indian reservations first appears. This treaty is one of the most liberal towards the Indians of any that were negotiated, for it expressly provides that "the privilidge of hunting Crabbing fishing & fowleing shall be preserved to the Indians inviolably;" but the sort of equality recognized appears from a comparison of the fourth article, which reads "If an Indian kill an Englishman he shall dye for itt," with the eighth article which reads "John Roberts & Thomas Morris shall pay the Indians of Chingwawateick one hundred and twenty armes length of Roaneoake for the Indian that was slayne by them at the head of Portoback Creeke in August last." This unusual severity for the killing of that Indian was probably owing to the fact that at this time the "Queene of Portoback" was under the special protection of the Lord Proprietary. Three years before she had made a piteous complaint of the trespasses and injuries done her by the colonists, and the Lieutenant General had issued a proclamation forbidding the colonists to seat any land within three miles of her "habitacōns or plantacōns" (3 Ar. 489).

The treaty with the several tribes above named "declares the sole pwer of Constituting and appoynting the Emperor of Pascatoway to be &

remayne in the R^t^ Hono^ble^ Caecilius Lord and Prop^r^ of this Province & his heirs;" (this right had been asserted several years previously) (3 Ar. 454, 482). It appoints a king for the "Indians of Hangemaick" and it provides "that the severall nacōns afores^d^ shall continue vpon the places where they now live," the bounds of these places to be fixed by the Governor "as to him in justice shall seeme most for the publick good" "within which bounds it shall not be lawfull for the s^d^ nacōns to entertayne any forreign Indians whatsoever to liue with them" (2 Ar. 25, 26).

Similar steps were taken for the "proteccon" of the Indians of the Easterne Shoare near Choptank" in 1669 (Id. 197, 200), and for the "Mattapany & Patuxon Indians in 1674" (Id. 354, 360, 369, 373).

A treaty of inviolable peace and perpetual amity and friendship had been "established and confirmed with several of the tribes of the "Easterne Shoare" in July, 1659 (3 Ar. 363).

In February, 1675, "some of the greate men of the Sussquehannoughs" appeared in the General Assembly and "desired to Know what part of the Province should for the future be allotted to them to Occupy." The Governor was left "to appointe a place;" the Assembly "seeing nothing for it to doe but to provide armes Ammunition and Provision, and imediately to beginne the warre" (2

Ar. 451), and they passed "an act for the Raysing a present Supply (50,000 pounds of tobacco) for his Excellency the Cap^{t} Generall to defray the Charges of making Peace with the Cynegoe Indians and making warr with the Susquehannes Indians" (Id. 462). How Major Truman conducted that war we have already seen.

Other treaties (so-called) bound the Indians more rigidly to their good behavior. That with the Passayoncke Indians in 1661 provided "that in case any Englishman for the future shall happen to finde any Passayoncke Indian Killing either Cattle or Hoggs that then it shall be lawfull for the English to kill the said Indian" (3 Ar. 433), and that with the "Delaware Bay Jndians," in 1663, contained precisely the same provision (Id. 486).

Religion.

Probably nothing in the early history of Maryland possesses more interest, and certainly nothing requires more care and delicacy in the handling than the question of the religion of the colonists. Hallam, speaking of this era in England, says "religion was the fashion of the age," and it is evident that when the colonists crossed the ocean they did not leave this fashion behind them. No characteristic is more prominent in all their language than religious phrase which abounds in acts

of Assembly, proclamations, commissions, and so forth to a degree that seems to us to savor of irreverence, if not of blasphemy. Proclamations issued even upon unimportant subjects commenced "To all persons to whom these presents shall come Greeting in the name of our Lord God everlasting," and oaths, used on any and all occasions, commonly concluding "So help you God and by the contents of this booke" (3 Ar. 193, 197, 214, 218, &c.), were so multiplied, that the General Assembly at length interposed its humble request to the Proprietary "that such things as your Lordship may hereafter desire of us may be done with as little Swearing as Conveniently may be Experience teaching us that a great Occasion is given to much perjury when swearing becometh common" (1 Ar. 242). Lord Baltimore, if requiring less religion of his subordinates than the Puritans of New England, yet required at least high moral if not religious character of them. In his full letter of instructions to Governor Stone in 1651, he ordered that no person should be "of our Council of State Commander of a County or Justice of the Peace" who lived "scandalously or Viciously with any Lewd Woman or professed himself of no religion or was an usual Drunkard Swearer or Curser" (1 Ar. 333); and the same principle that has remained undisturbed to the present time was adopted in 1654, under the commissioners of the

Commonwealth, when it was enacted that "Noe work shall be done on the Sabboth day but that which is of Necessity and Charity to be done no Inordinate Recreations as fowling fishing hunting or other, no shouting of gunns to be used on that day except in Case of Necessity" (1 Ar. 343). This was a change from four years earlier when the journal of a sitting of the Assembly is dated "April 6th 1650 Sabbath" (1 Ar. 261). When this Sabbath law was passed it was apparently supposed that the business of ordinary keepers fell within the category of necessity or charity, but it was subsequently determined that it was a "Prophanacōn of the Sabbath or Lords Day" to sell strong liquors or permit "tippling or gaming att Cards dice, ninepinn playing or other such unlawfull exercises," and the same was expressly prohibited, under the penalty of two thousand pounds of tobacco, and other disabilities (2 Ar. 414).

It cannot be expected that the Archives will end the controversy so long and earnestly contested as to who is entitled to the credit of the much-vaunted religious liberty of the colony. But there are a few facts which clearly appear: first, that the sovereign who granted the charter was not a Roman Catholic, nor was that the religion of the State at the time: Second, that Lord Baltimore, to whom the charter was granted, was a Roman Catholic: and Third, that the colonists were mingled,

Roman Catholic and Protestant; all deeply imbued with the religious sentiment of the age, zealous for their own creed, and desirous, by appeals to prejudice as well as to reason, of giving their own as far as practicable an advantage over the opposite, which they *knew* was heresy, yet prepared under the circumstances surrounding them to give for the time being, a qualified toleration to such heresy, though neither of the parties was free from the bigotry of the age, or had any clear perception of equal religious liberty and right, or of a religion neither dominating the civil government nor dominated by the civil government.

It is also clear that the controlling influence, at first, was one that had great regard for the recognized Christian Saints. A large portion of the places to which the settlers gave names bear the names of some of the saints of the calendar, and later the names are strongly suggestive of Puritan origin. Thus we find the Council assembled in June, 1662, at a place named "The Resurrection," and ordering that "a pryson bee built there" (3 Ar. 460); and when the Protestants made a home upon the Severn they named it "Providence" (1 Ar. 260), and though an act of Assembly erected it into a County by the name of "Annarundell County" (Id. 292), another act, four years later (1654), "Declared that the County now Called 'Annarundell County' shall be Called and Recorded

by the name of the County of Providence" (Id. 345). The same spirit that insisted upon that name was willing to dismiss the "St." from names already given, and we find "St. Maries County" is changed in use (1654) into "maryes County" or "County of Maryes" (Id. 340, 354). We find also the early dates fixed by Saints' days. The General Assembly is to convene on the "morrow after the feast of St. Simon and St. Jude" (1 Ar. 113), on "Monday after St. James' Day" (Id. 127), "at the two most usual feasts of the year viz^{t} the Annunciation of the Blessed Virgin Mary and Saint Michael the Arch Angell" (3 Ar. 234), "at the ffeast of our Lords nativity" (Id. 267), &c.

As religion was the great matter of contest in England, so it entered in no slight degree into the affairs of the colony from the first. When Lord Baltimore (George Calvert), in 1629, driven by snow and ice from the inhospitable shores of Avalon, went prospecting to Virginia, Governor Potts and the Virginia Council remonstrated with the home government against granting him any special privileges, because he and his followers made "profession of the Romishe Religion" and they say that:

> "amonge the many blessings and favores for which wee are bound to bless God and which this Colony hath receaved from his most gracious Majesty, there is none whereby it hath beene made more happy then in the freedom

of *our* Religion which we have enjoyed and that noe papists have been suffered to settle their abodes amongst us" (3 Ar. 17).

But the remonstrance was ineffectual. The Lord at home was more influential than the colonists across the sea; and when, about three years later (1632), the charter was granted to Lord Baltimore (Caecilius), the reason assigned was because he was "moved by a certain laudable and pious zeal for extending the Christian religion and extending our empire in parts of America hitherto uncultivated and inhibited by Savages and knowing nothing of the Divine Being" (3 Ar. 3). Strangely enough for the times there was granted to him, though of a different creed from the sovereign and the State, "the patronages and advowsons of all Churches which (with the increasing worship and religion of Christ) shall be built, together with license and faculty of erecting and founding Churches, Chapels and places of Worship and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of England" (Id. 4).

As soon as legislation began religion began to be nursed. In the session of 1638–9, when everything important was considered and nothing enacted, among the bills that reached the point of engrossment, was one that "Holy Church within this Province shall have all her rights liberties and immunities safe whole and inviolable

in all things" (1 Ar. 35, 40, 83). The next year it fared better, and was enacted that "Holy Church within this Province shall have and enjoy all her Rights liberties and Franchises wholy and without Blemish" (Id. 96). Another bill in that session of 1638–9 made "eating flesh in time of Lent or on other days when it is prohibited by the Law of England" a crime punishable by a fine of five pounds of tobacco (Id. 53), but "idolatry which is the worshipping a false God or to commit blasphemy which is accursing or wicked speaking of God was a felony to be punished by hanging" (Id. 71). The use of proper language was further sought to be secured by enactments that "every one convicted of prophane cursing and Swearing shall forfeit five ℔ Tob." (Id. 159, 193).

In March, 1641, there "was presented by David Wickliffe in the name of the Protestant Catholics of Maryland" a petition, and complaint of the obstruction of Protestant worship, and Thomas Gerard, against whom this "petition of the Protestants" was directed, on hearing by the Assembly, was found "guilty of a misdemeanor" and fined "500 ℔ tobacco towds the maintenance of the first minister as should arrive" (1 Ar. 119).

The journal of the English House of Lords shows that on the 28th of November, 1645, there was presented to "the Com^tee of Lords & Comons for fforraigne Plantacõns The Peticõn of diuerse

the Inhabitants of Maryland setting forth the tyranicall Gouernement of that Province, euer since its first settling, by Recusants; whoe haue seduced and forced many of his Ma^ty^ Subiects, from their Religion," and humbly praying the assistance and protection of the Parliament. "Diuers marchants of the Citty of London trading to the English plantations," also petitioned to the same effect, because, they said, "the said Lord Baltimore and his agents have not only acted horridd things in that province as Papists and Enemyes, but alsoe tearmes the Hono^bl^ Parlyament Rebells" (Id. 181). Undoubtedly the hand of Ingle was in these petitions, yet on consideration of them it was (December 25th, 1645) "Ordered by the Lords in Parlyament assembled, That the Comittee for foraigne Plantations, doe drawe vp an Ordinance and present it to this House for the settling of the Plantation of Maryland vnder the Comand of Protestants" (3 Ar. 164–5). The committee presented an ordinance accordingly, ordaining and declaring "that the said Cecil Caluert Lord of Baltimore hath wickedly broken the trust reposed in him by the said Lres Patents, and that it is convenient and necessary that the said Lres Patents bee repealed and made voyde," and that there be appointed "an able Governor and fitt Officers of the Protestant Religion and well affected to the Parlyament" (3 Ar. 173). All that followed

under this ordinance these Archives do not disclose. They do show, however, that the Governorship of the colony passed, for the time being, out of the Calvert family, and that William Stone, a Protestant, became Governor. In his official oath he swore, among other things, "I will not by myself nor any Person directly or indirectly trouble molest or discountenance any Person whatsoever in the said Province professing to believe in Jesus Christ and in particular no Roman Catholick for or in respect of his or her Religion nor in his or her free exercise thereof" (3 Ar. 210). Precisely the same provision was inserted in the oath of the councillors, a majority of whom were Protestants (Id. 214).

From other sources we know that the three following were very busy years in England, and the climax was reached on the thirtieth of January, 1649, when the king lost his life upon the scaffold, and Oliver Cromwell became protector of the Commonwealth.

Three months after the king's death on the twenty-first of April, 1649, the General Assembly at St. Maries passed "AN ACT CONCERNING RELIGION," which sixteen months later (August 26th, 1650), was "confirmed by the Lord Proprietary under his hand and seale" (1 Ar. 244).

It becomes us, as loyal Marylanders, not to smile when we hear this famous statute called "an

act of toleration," and to forget, if we can, that the great bulk of it is composed of penalties—fines, whippings, severe whippings, banishment, confiscation and death, against all sorts and forms of errors and heresies save those held by the persons enacting it, and to remember only that it contains the famous and familiar toleration clause; that if we except the enormous exception which it contains, it embodies a declaration of religious liberty as broad and full as can be found in any nation or language—a veritable jewel in a toad's head. But putting the worst construction upon this as a penal act, it certainly gave a larger freedom (or at least a different freedom), than was agreeable to the authorities in England. Among the instructions to the Commissioners for "reducing the colonies to their due obedience to the Commonwealth of England" was one to see that the act of Parliament "for abollishing the booke of common prayer was received and enforced" (3 Ar. 265). And Cromwell, in his tender care for their religious welfare, wrote them a letter from Whitehall, in January, 1653, in which he advised "That Love be cherished and the great Interest of Religion be owned and countenanced whereby you will ingage God's care over you, who alone can make your affairs prosperous," &c. (3 Ar. 297). And the next year it was "Enacted and declared in the Name of his Highness the Lord Protector and by the

Authority of the Generall Assembly That none who profess and exercise the Popish Religion Commonly known by the Name of the Roman Catholick Religion can be protected in this Province by the Lawes of England . . but such as profess faith in God by Jesus Christ (though differing in Judgment from the Doctrine and Discipline Publickly held forth shall not be restrained from, but shall be protected in the Profession of the faith) & Exercise of their Religion . . provided that this liberty be not extended to Popery or Prelacy," &c. (1 Ar. 341). The commissioners for settling the affairs of the Province had previously declared that all such as "doe profess the Roman Catholick Religion" should be disabled to sit in the General Assembly (3 Ar. 313).

In 1656 Lord Baltimore by proclamation (3 Ar. 325), declares the "act whereby all persons who profess to believe in Jesus Christ have liberty of conscience and free Exercise of theyr religion" is to be duly observed; and in 1657 he "doth Faithfully promise vpon his Honor to obserue and performe as much as in him lyes" the said act (Id. 334), and re-guarantees the same in 1659 (Id. 384).

Religious solicitude for the young appeared in 1671, when there was proposed "an act for the founding and Erecting of a School or College within this Province for the Education of youth in learning and Virtue," one of the provisions of

which was "That the Tutors or School Masters of the said School or College may be qualified according to the reformed Church of England or that there may be two School Masters, the One for the Catholick and the Other for the Protestants Children and that the Protestants may have liberty to Choose their School Master" (2 Ar. 262-4). And in the same spirit the Upper house, at the same session, desired to have incorporated in the "act for the Preservation of Orphan's Estates," a provision that "First Care must be taken to have the Children Educated in the Religion of their dec^{d} Parents" (2 Ar. 317). But disagreement as to the details of the project for a school or college caused it to fail entirely; both parties apparently preferring that the youth should grow up without either "learning or Virtue," than that they should have learning and virtue of a different brand from their own.

Quakers.

Of course there might be errors and heresies so great as to give serious cause of alarm and call for the most rigorous action. Such an one was discovered by the colonial Council in 1658 in "the increase of Quakers whos denyall of subscribing the engagement," in addition to the threatening attitude of the Indians, gave such "cause of jeal-

ousies" that Captain John Odber was commissioned to put the militia at once on a war footing; and it being discovered that Thomas Thurston and Josias Cole had remained in the Province above a month without taking the oath of fidelity, it was "Ordered That a Warrant should jssue for the apprehension of said Thurston and Cole to answer theyr misdemeanors" (3 Ar. 348). The warrant was issued "to the sheriffe of Annarundell to take the body of Josias Cole and him in safe custody keepe vt in order without Baile or Mainprise" (Id. 350). And an order went "to the Sheriffe of Caluert County to bring the body of Thomas Thurston to Mr. Henry Coursey's by the twenty-fifth of July." These orders were executed and then the council discovered the magnitude of their undertaking, for not only had they Thurston and Cole on their hands, but they were compelled to take

"into consideracõn the insolent behaviour of som people called Quakers who at the Court in contempt of an order then made & proclaimed would presumptiously stand covered and not only so, but also refuse to subscribe the engagement in that case provided alleadging they were to be governed by Gods lawe and the light within them and not by mans lawe and vpon full debate . . . ordered that all persons should take & subscribe the said engagement by the 20th of August next or else depart the Province by the 25th of March followeing vpon paine due to Rebbells & Traitors" (3 Ar. 352),

and the Governor issued his proclamation accordingly. Even this did not rescue the province from the great danger of Quakers, and the next July the Council

"Ordered as followeth: viz

Whereas it is to well knowne in this Province that there haue of late bin seuerall vagabonds & Jdle persons knowne by the name of Quakers that haue presumed to com into this Province as well diswading the People from Complying with the Military discipline in this time of Danger as also from giving testimony or being Jurors in causes depending betweene party & party or bearing any office in the Province to the no small disturbance of the Lawes & Civill Govern[t] thereof: And that the keeping & detayning them as Prisoners hath brought so great a charge vpon this Province the Governor & Councell taking it into theyr Consideracon haue thought fitt to Appoint & doe hereby for the prevention of the like inconveniences for the time to com Require & command all & euery the Justices of the Peace of this Province that so soone as they shall haue notice that any of the foresaid Vagabonds or Jdle persons shall againe presume to com into this Province they forthwith cause them to be apprehended & whipped from Constable to Constable vntill they be sent out of the Province" (3 Ar. 362).

Thurston, who still remained, was arrested under this order, but succeeded with much adroitness in showing that it did not apply to his case, whereupon, determined that if the general order did not cover his case, a special order should be made that would, the Council ordered as follows:

"The board doth Judge That the said Thurston be for euer bannished this Province & that if he be found within this Province at any time 7 days after the date heereof or shall att any time after returne againe into this Province that he be by the next Justice of the Peace caused to be whipt with 30 lashes & so sent from Constable to Constable till he be Conveyed out of the Province. And that if he shall then at any time againe presume to returne into this Province that he be whipt with 30 lashes at euery Constables & be againe sent out of the Province as aforesaid. And it is further ordered that no person whatsoeuer presume to receaue harbour or conceale the said Thomas Thurston after the tenth day of this Present month vpon Paine of fiue hundred pounds of Tob for euery time that they shall so Receaue harbour or Conceale him the said Thomas Thurston" (3 Ar. 364).

Those, who, for conscience sake, refused to bear arms, were proceeded against by court martial, though these Archives do not show precisely what penalty was inflicted upon them (3 Ar. 435, 441, 456). Their meetings to confer over their persecutions were thought to be full of danger to the colony (Id. 494–5), so that in 1666 the Council "Ordered that the Secretary doe forthwith issue out warr^ts^ to each respective sheriffe for the taking the names of such persons within their Balywick who goes und^r^ the Notion of Quakers and to make return in a list of theire names and surnames at the next Prouin^all^ Court" (Id. 547).

But they were not all driven away from the Province, or into concealment. In 1674 Wenlock

Chriterson, well known in history for his courage and steadfastness in maintaining the principles and practices of his sect in Boston, having found a fresh field in Talbot County, with others "of us who are in Scorne called Quakers," sent a petition to the General Assembly to be allowed to discharge certain duties, especially those of witnesses and administrators without taking an oath (2 Ar. 355). This difficult question gave the Assembly much and painful deliberation, but after two years the Lower House announced its conclusion, that, "this house doe Conceave it utterly unsafe for the L^{d} Propriet^{y} to make any Law in this Province to exempt the people called Quakers from testifying vpon Oath and therefore thinke it Unfitt for this house to advise his Lords^{p} to Condesend to any votes of either house of assembly tending that way" (2 Ar. 492).

Temperance.

Among the perplexing questions with which the colonists were called to deal, was one which has not yet entirely lost its interest, nor as to the best manner of dealing with which is there yet entire unanimity. Legislation on the subject was largely experimental then, it is hardly other than that now. Among the very first bills brought before the General Assembly of the Province was one

"For restraint of Liquors" (1 Ar. 34); and in the "act for the authority of Justices of the Peace," at the same session, it was provided that for "Drunkenness which is Drinking with excess to the notable perturbation of any organ of sence or motion the offender shall forfeit to the Lord Proprietary thirty pound of tobacco or five Shillings Sterling, or otherwise shall be whipped or by some other Corporall Shame or punishment Corrected for every such excess at the discretion of the judge" (1 Ar. 53).

Pursuing the same policy, that is, treating drinking itself as the crime, the General Assembly, in 1642, enacted that "every one convicted of being drunk shall forfeit 100 ℔ tobacco toward the building of a prison . . or if the offender be a Servant and have not wherewith to Satisfie the fine he shall be imprisoned or sett in the Stocks or bilbos fasting for twenty-four hours" (1 Ar. 159, 193). Substantially the same was the act of 1650 (Id. 286). The act of 1654 went further and made it the duty of "every officer and Magistrate in the Province from the highest to the Lowest to use all Lawfull meanes to convict such as to their knowledge shall be Drunke;" and it imposed an equal fine upon "every person in this Province that shall see anyone Drunk and shall not within three days make it known to the next Magistrate" (Id. 342). The "act concerning Drunkness" of 1658 provided a

severer penalty, and enacted "that hee that shalbe lawfully convicted of drunkeness shall for the first offense be sett in the Stocks Six houres, or pay one hundred pounds of tobacco, ffor the second offense to be publickly whipt or pay three hundred pounds of Tobacco. Being the third tyme convicted as aforesaid, the Offender shalbe adiudged a Person infamous, and thereby made vncapable of giving vote, or bearing Office within this Province during the space of three years next after such Conviction" (Id. 375).

The "Vpper howse" of the General Assembly itself imposed this penalty upon Thomas Hills, and for "sweareing" when in his cups, compelled him to "goe to the lower howse and there accknowledge his faults with expressing his hearty sorrow for the same" (Id. 404). But if the culprit was an official he did not escape so easily. Thomas Gerard was a member of the Council, and against him his "Lordships attorney generall" filed an information in 1658, charging that he, "to the Greate offense of Almighty God dishonor of his Lordship & whole Councell hath diverse times misbehaued himselfe & offended in Drunkennes & other Lewd behaviour Committed on board of Covills ship Rideing in St. Georges River," &c. With the information were filed certain affidavits evidently designed to screen him as far as the facts would permit. Mr. Henry Coursey swore

"that he was on board of Covills ship with Mr. Gerrard that the said Gerrard had drunke something extraordinary but was not so much in drinke but he could gett out of a Carts way" (3 Ar. 354). Upon this information, for his "crimes and misdemeanors," he was banished from the Province with "forfeiture and Confiscacōn of all his estate both reall and personall;" and though the Governor afterwards remitted that sentence, so far as banishment was concerned, yet it was permitted to stand as a forfeiture of all franchises and he was required to "give Recognizance for his Good behaviour" (Id. 409).

Besides treating drunkenness as a crime in the drinker, some effort was made to discourage too loose a traffic in spirits. The act of 1638–9 provided that where the goods of or in the hands of any person are not sufficient to pay all his debts . . debts for wine and hot waters shall not be Satisfied till all other debts be paid" (1 Ar. 84).

A strong effort was made in 1674 to impose a heavy duty upon liquors imported, and both houses voted a prohibition of their importation from New England, New Yorke, and Virginia, yet the vote does not seem to have been matured into law (2 Ar. 361, 375 to 380). They recognized the necessity of taverns in a country like theirs, but they recognized also the importance of having good citizens only for inn-keepers, and sent a message to his Excellency

to request that he would issue "a license to keep Ordinary to noe person but th' he shall give Bond to his Excellency with good Sureties that they shall Suffer noe drinking or gameing upon the Sabboth day," &c. (2 Ar. 346); and by another act liquor selling on the Sabbath was strictly prohibited (Id. 414). But to them an ordinary without liquors was the play of Hamlet with Hamlet's part left out. A license for an ordinary was a license "to keep an Inn or Ordinary And to make Sale of Beer wine Strong Waters or any other fitting and wholesome Drink Vittualls or provisions" (3 Ar. 304). But the Inn-keepers must have been very rapacious, for act after act was passed, fixing the prices which they might charge for each liquor which they furnished in a list long enough to shame the wine card of fashionable hotels of the present day. These lists include French Brandy, French wine, Canary, Malligoe, Madeira, Fayal, "Portoport and other Portugall wine," strong Cider, "Clarrett," "Strong Beere or Ale," "Rumm," English Spirits, "dutch dramms," "Annisseed Rosa Solis," Perry, Quince, Lime Juice, Rhenish wines, Sherry, Mumm and various others (2 Ar. 148, 214, 296). But they voted that "no ordinary keeper within this Province shall at any time charge anything to Account for Bowles of punch or any quantity of mixed Drink but shall only sell the several Ingredients to

the said mixture" at the rates they had prescribed (Id. 268). The Inn-keepers of course found it no difficult task to fix their liquors to suit the prices fixed on them by the Assembly, which soon led the Assembly to "Conceave th^{t} the underrating of the s^{d} Liquors hath been the Occasion of the Sophisticacōn of Liquors" and therefore "Voted by this house th^{t} noe rates or prices of anie Accomodacōns be set or Ascertained but of such only as are of absolute necessity for Sustaining & Refreshing of Travellers (th^{t} is to say) Horse meate mans meate Small Beare & Lodging" (2 Ar. 351, 407, 560). But they were at their wit's end in their effort to find the proper limit to ordinaries, that is, to fix the point which would supply the necessities of travellers, and would not promote dissipation in the youth or in the homes of the colonists. It was plain to see that there must be an ordinary where the General Assembly met, and where the Courts were held; and there many wished the licenses to stop. But after much deliberation it was agreed to request the Governor "by proclamation to suppress all other Ordinaries in this Province but that where the Provinciall Court & County Courts are kept and Besides in Ann Arundell County at Richard Hills, in Patuxent at Richard Keenes & George Beckwiths, in Dorchester County at Peter Underwoods and one at the Wading Place between Kent and Talbot

Counties and no more in the whole Province" (2 Ar. 432, 4). This was in 1675, and a complete reversal of the policy which they pursued in 1662, when "for the better Encouragement of all honest and well minded people whoe now doe or which shall hereafter Keepe Victualling howses" they conferred upon them special authority and power substantially equivalent to that enjoyed by a landlord in the matter of distraining for rent (1 Ar. 447).

To them a State House without an ordinary as an attachment was an absurdity, if not an impossibility. When they framed "an act for the purchaseing a State howse" at St. Maries for 12,000 pounds of tobacco, they stipulated that the vendor, Mrs. Hannah Lee, should "dwell and keep ordinary in the same for the tearme of three yeers" (1 Ar. 447, 455); and when later they engaged William Smith "to repaire the Cuntry's howse at St. Mary's, he was bound to keep ordinary therein for seauen years" (1 Ar. 538; 2 Ar. 50, 51), but they did not mean that he should impose upon the colony any exorbitant charge for the entertainment of its officials, and as they scrutinized his bill in 1666 they decided

"vppon debate This Howse is willing to allow Will^{m} Smyth his acc^{t} w^{ch} hee hath charged the burgesses this Assembly for Liquors: As wine, rumme, Brandy Punch & Liminade made with Wine. But th^{t} w^{ch} hee calls

Liminade w^th^out strong drinke they will allow only 25 ℔ pr gallon, And as to their dyett & Lodging they will allow what they iustly may be charged withall & noe more" (2 Ar. 127).

The same frugal mind in the matter of spirits was in the Council when they laid in their supplies for the military expedition against the Eastern Shore Indians in May, 1639, for they at that time provided for the soldiers of the expedition a whole barrel of oatmeal, but only "4 cases of hot waters" (3 Ar. 85, see also Id. 345).

Attorneys.

Besides the Indians and Quakers there was another class of men which fell under the suspicion of at least a portion of the colonists and which, incredible as it seems to us they felt that they needed some protection against. This appears first from the report of a joint committee of the General Assembly in 1669, in which the "real grievances of the Province" are set forth. The fourth specification of these grievances says: "That the Privileged Attorneys are one of the Grand Grievances of the Country." At the same time Robert Morris went before the lower house of Assembly, and there did "in the name of the Commons of this Province impeach M^r^ John Morecroft Gen^t^ being one of the Attorneys of the

Provincial Court for exacting fees above and beyond the Laws & Customs of this Province & that he is retayned as attorney for some with unreasonable fees, for a whole year's space so that by that means it Causes several Suits to the Utter Ruin of people" (2 Ar. 167).

Five years later there was passed "An Act to reforme the attorneys counsellors & Solicit^{rs} at law of this Province to avoyde unnecessary Suites and Charges att Law" (Id. 409). From the character and reputation which that class of people have borne from that time to the present, we are forced to conclude, either that the grievance complained of was rather fancied than real, or else that the reform which was enacted was completely successful, and has been permanent.

Witchcraft.

There was another class of people quite as objectionable to the colonists as Quakers and Attorneys, and, if possible, more difficult to deal with. This was the witches, against whom the capital statute of James was invoked, and at least in the case of Mary Lee, on her way to the colony, execution was had by the same law (Lynch law) by which one Cooper was recently executed in Baltimore County. The particulars of this execution are given in two affidavits made before and filed with the Council in

June, 1654. The story as told by one of the deponents, Henry Corbyn, of London, merchant,

" Saith That at Sea upon his this Deponents Voyage hither in the Ship called the Charity of London m^r^ John Bosworth being Master and about a fortnight or three weeks before the said Ships arrivall in this Province of Maryland, or before a Rumour amongst the Seamen was very frequent, that one Mary Lee then aboard the said Ship was a witch, the Said Seamen Confidently affirming the Same upon her own deportment and discourse, and then more Earnestly then before Importuned the Said Master that a tryall might be had of her which he the Said Master m^r^ Bosworth refused, but resolved (as he expressed to put her ashore upon the Barmudoes) but Cross wids p^r^vented and the Ship grew daily more Leaky almost to desperation and the Chiefe Seamen often declared their Resolution of Leaving her if an opportunity offerred it Self which aforesaid Reasons put the Master upon a Consultation with m^r^ Chipsham and this deponent, and it was thought fitt, Considering our Said Condition to Satisfie the Seamen, in a way of trying her according to the Usuall Custome in that kind whether she were a witch or Not and Endeavoured by way of delay to have the Commanders of other Ships aboard but Stormy weather prevented, In the Interime two of the Seamen apprehended her without order and Searched her and found Some Signall or Marke of a witch upon her, and then calling the Master m^r^ Chipsham and this Deponent with others to See it afterwards made her fast to the Capstall betwixt decks, And in the morning the Signall was Shrunk into her body for the Most part, And an Examination was thereupon importuned by the Seamen which this deponent was desired to take whereupon She Confessed as

by her Confession appeareth, and upon that the Seamen Importuned the Said Master to put her to Death (which as it Seemed he was unwilling to doe, and went into his Cabbinn, but being more Vehemently pressed to it he tould them they might do what they would and went into his Cabbinn, and Sometime before they were about that Action he desired this depon^{t} to acquaint them that they Should doe no more then what they Should Justifie which they Said they would doe by laying all their hands in generall to the Execution of her." (3 Ar. 306).

The "deposition of ffrancis Darby" fully corroborates Mr. Corbyn in all material points, but especially in showing the effort of the master of the ship to escape all responsibility for the execution.

The colonists were evidently in sympathy with the sentiment expressed by Wesley, three-quarters of a century later, that "giving up witchcraft was, in fact, giving up the Bible;" and, as we have seen in considering the criminal law, they placed it, under the name of sorcery, by the side of blasphemy and idolatry, as a capital offence, repeatedly in their statutes.

The charge to Justices and other officers, often repeated in these Archives, was "to enquire of all manner of Fellonyes witchcrafts inchantments Sorceries Magick Arts trespasses forestallings ingrossings and Extorcons whatsoeuer" (3 Ar. 422, 535, 554, &c.)

That this diligent quest was not always fruitless is shown by a "Petition of the Deputies and Delegates of the Lower House of Assembly," presented to the Governor in February, 1675. This petition humbly showed to his Excellency:

"That whereas Iohn Cowman being Arraigned Convicted and Condemned upon the statute of the first King Iames of England &c for Witchcraft Conjuration Sorcery or Enchantment used upon the Body of Elizabeth Goodale and now Lying under that Condemnation, and hath humbly Implored and Beseeched Us your Lordships Petitioners to Mediate and Interceede in his behalf with your Excellency for a Reprieve and Stay of Execution—

Your Excellencies Petitioners do therefore accordingly in all Humble manner beseech your Excellency that the Rigour and Severaity of the Law to which the said Condemned Malefactor hath Miserably Exposed himself may be remitted and Relaxed by the Exercise of your Excellencys Mercy & Clemencie upon so wretched and Miserable an Object" (2 Ar. 425).

This petition met a gracious reception for it was answered that:

"The Lieutenant General hath Considered of the Petition here above and is willing upon the request of the Lower house that the Condemned Malefactor be reprieved and Execution Stayed, Provided that the Sheriff of St. Maries County carry him to the Gallows, and that the rope being about his neck it be there made known to him how much he

is Beholding to the Lower house of Assemblie for Mediating and Interceeding in his Behalf with the Lieu' General and that he remain at the City of St. Maries to be employed in such service as the Governor and Council shall thinke fitt during the Pleasure of the Governor" (Ibid.)

In what the Governor could safely employ one having the elusive power of a witch we can only conjecture. It may be that he desired to use him as an instrument for the punishment of other criminals, as he had precedent for doing in the action of Leonard Calvert, who, when Governor, "exchanged the sentence of death of John dandy into service for 7 yeares to his Lop & to remaine exequutioner of all corporall corrections according to the writts lawfully directed to him" (3 Ar. 146).

May we not hope that the succeeding volumes of the Archives will show that this vigilance, or this executive clemency, in dealing with witches, induced all of that class of malefactors to leave the Province, and migrate, on their broomsticks, to Salem, Massachusetts, where they had an epidemic of them some fifteen or twenty years later!

But for the contemporaneous records, presented to us in these volumes of "Archives," it would seem hardly credible that the state of things which they demonstrate, could have existed where we now live. The rude life, the stern struggle with nature and man, the liberality hampered by bigotry, the abject submission coupled with bold

assertion of right, the burning religious zeal joined with forgetfulness of the charity that true religion requires, form a picture of the Spirit of the Times in which light and shadow are strangely mingled. If we find details which feed our pride, we find others that lead us back to humility; and while we regret the "good old times" we can but heartily congratulate ourselves that they have passed away. Looking back across the gulf of two hundred and fifty years, our greatest occasion of rejoicing is at the progress made—at the abundant proof furnished that "the world does move."

THE

Great Seal of Maryland;

A Paper read before the Maryland Historical Society,

December 14, 1885,

BY

CLAYTON C. HALL,

A MEMBER OF THE SOCIETY.

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TO THE

HONORABLE JOHN H. B. LATROBE,

President of the Maryland Historical Society,

THE FOLLOWING BRIEF CONTRIBUTION TO MARYLAND'S HISTORY

IS RESPECTFULLY INSCRIBED

BY THE AUTHOR.

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THE GREAT SEAL OF MARYLAND.

THE Great Seal of Maryland presents a marked contrast to those of the other States of the American Union in that its device consists of armorial bearings of a strictly heraldic character, being in fact the family arms of the Lords Baltimore which were placed by the first Proprietary upon the Seal of the Province at the time of its founding.

Most of the States have upon their seals emblems indicative of agriculture and commerce, plenty and prosperity, or kindred subjects, represented in a more or less pictorial or allegorical manner. The colonies that were governed directly under the British Crown formerly had seals upon which were symbols of the royal authority; but these were discarded at the time of the Revolution, and in their stead were adopted devices more in harmony with the new order of affairs. The New England Colony and Virginia, for example, had seals bearing upon

the obverse the effigy of the sovereign and upon the reverse the royal arms of Great Britain. The Seal of Carolina had depicted on one side horns of plenty and other symbols of a youthful colony, and upon the other the arms of the eight Lords Proprietors. But this seal like those of the royal colonies, has become a thing of the past.[1]

Maryland, like the other States, put aside shortly after the Revolution the seal in use during the colonial period and adopted one supposed to be more in consonance with the spirit of republican institutions; but after a while the historic interest attaching to the old Provincial Seal came to be recognized, and the ancient coat-of-arms was finally, by legislative enactment, restored to the Seal of the State. Interest in the subject has lately been revived by the discovery at Annapolis of the old seal used under the Proprietary government of the Lords Baltimore, which was believed to have been long ago destroyed. It is safe to say that the old silver seal thus recently brought to light is the

[1] To the Seal of New York adopted in 1778, and re-established by legislative enactment in 1882, an historic origin is ascribed. In 1687, a seal, which continued in use for less than one year, was sent to the Province by James II., and in the warrant by which it was accompanied, it was described as bearing "the effigy of the King on horseback in arms, over a landscape of land and sea with a rising sun." The rising sun and the landscape appear upon the present Seal of that State. The probable origin of this levice was discussed in a paper entitled "The Correct Arms of the State of New York," read before the Albany Institute, May 24, 1881, by Henry A. Homes, LL. D., Librarian of the State Library.

most interesting, if not the oldest relic of the kind in this country.

The object of this paper is to trace, as far as the materials for the purpose have been found, the history of Maryland's seal, the several changes that have at different times been made in it, and the circumstances by which those changes have been occasioned.

The subject, so far as it relates to the early seals, possesses now an antiquarian interest only; but two centuries ago strong associations clung to a Great Seal as a symbol of authority and an important instrument in the exercise of government. This fact is illustrated by an incident mentioned by Lord Macaulay in his History of England. He tells that when James II. fled from his kingdom he sought to bring upon the country the evils of anarchy, and as a means to that end he destroyed the writs that had been prepared for a new Parliament, and taking with him in his flight the Great Seal, he flung it into the Thames near Lambeth. A recent writer has further illustrated this subject by adopting the loss of the Great Seal of England, and the inconveniences and embarrassments resulting therefrom, as the basis for the incidents of a story. In Maryland under the Proprietary government all grants of land were made by or in the name of the Lord Proprietary and authenticated by the Great Seal

of the Province, which was therefore an object of great importance both to the Proprietary himself and to the land holders. That Lord Baltimore so regarded it is shown by the fact that in sending a new seal, in 1648, for use in Maryland in place of one that had been lost, he expressed as his motive for so doing that it was "necessary for the better government of our said Province, and satisfaction of the people there, to have a seal of ours constantly remaining in the said Province and appropriated thereunto and known to be our Great Seal of the same."

The seal just referred to, which was sent to the Province by Cecilius Lord Baltimore, by the hands of Captain William Stone, is the first Great Seal of Maryland of which there is a recorded description. This seal was sent to replace one which having been stolen in 1644, during the rebellion of Richard Ingle, was subsequently lost or destroyed; and a minute description of it is contained in the letter of commission,[1] dated August 12th, 1648, by which it was accompanied. No impressions of the first Great Seal, which was in use only during the brief period intervening between the date of the settlement of the colony and the year 1644, can be found. Its exact device is therefore unknown. The seal of 1648 was, however, described by the Lord Proprietary as differing but little from its predecessor.

[1] Commission for the Great Seal; see Appendix, Note A.

In 1652, four years after the sending out of the second seal, it, with the government of the Province passed into the hands of Commissioners appointed by Parliament; and it was not until March 24th, 1657–8, that the Lord Proprietary's authority was re-established. In November, 1657, in anticipation of the restoration of his authority, negotiations for which were already in progress, Lord Baltimore deemed it necessary, in accordance with his intention previously expressed in letters the record of which has been preserved,[1] to provide a third Great Seal for the Province. Of this third seal, which was sent to the Province in the charge of Captain Josias Fendall, no description was given; but in the letter of instructions which accompanied it authority was given to Fendall, who was appointed "Lieutenant and Keeper of the Great Seal," to pass grants in his Lordship's name under the new seal, and particular directions were given, in relation to a certain grant that had been promised, that if no record could be found of its having been passed under the former seal, then the grant was to be made under the new one.[2]

It is, perhaps, impossible now to determine which seal remained subsequently in use in the Province. It would be natural to conclude that it

[1] Archives of Maryland; Proceedings of the Council, 1636–1667, pp. 325, 329.

[2] Ibid., p. 335.

must have been the third one sent out in 1657; but it is by no means certain that such was the case, and for some reasons it appears probable that the seal of 1648 was continued in use.

In the articles of agreement arranged between the Proprietary and the Commissioners for the restoration of the former's authority, it was stipulated that the "people in opposition" should deliver up to his Lordship's Governor or Secretary all records of the Province then in their power, and also his Lordship's former Great Seal of the Province "if it be to be found or procured by them."[1] And in pursuance of the instructions given him, Governor Fendall, at a conference with the Commissioners, read the articles of agreement and demanded the records, Great Seal and the whole government to be resigned up into his hands.[2] After some debate and amendment of the articles, they were, on the second day thereafter, March 24th, "read fair engrossed on parchment to the Commissioners, and being to the peace of all parties, were by the Governor and Secretary signed, and afterwards in the face of the people sealed."[3]

If Governor Fendall's demand for the surrender of the former Great Seal was complied with as well as his demand for the surrender of the government, it seems not unlikely that he may have

[1] Ibid., p. 333. [2] Ibid., p. 335. [3] Ibid., p. 340.

continued the old seal in use. At all events it appears to have been used by his immediate successors. There are now extant, attached to ancient grants and patents, many impressions of the Great Seal used after this date, and they are in exact accord with the elaborate and minute description given of the seal of 1648; so that if they were made from the seal of 1657, it must be concluded that the latter was a duplicate of the former, or else that the difference between the two was so slight that the written description serves equally well for either.

It seems improbable that the new seal should so closely resemble the old; for if the latter were in existence, but could not be recovered, its fraudulent use in the hands of unauthorized persons would have needed to be specially guarded against, and this would require that the impressions of the new seal should be clearly distinguishable from those of the old. Furthermore, Thomas Bacon, the careful and accurate compiler of the laws of Maryland, while noting in the preface to his compilation, published in 1765, the several occasions upon which portions of the early records had been lost, speaks of the loss of records and the Great Seal during the Ingle rebellion. "The Great Seal," he says, "was never found," and adds, that the one by which it was replaced in 1648, is "the same which is in use at present." That he did not

write in ignorance or forgetfulness of the seal sent out nine years later is shown by his reference in the very next paragraph to Lord Baltimore's letter, written in November, 1657, and to the surrender of the government by Cromwell's Commissioners to Josias Fendall, the newly commissioned Lieutenant General. "It is more than probable," Bacon remarks, alluding to the time during which the Proprietary's authority was in abeyance, "that many records were lost or destroyed in this unsettled period;" but he makes no suggestion as to the loss of the seal at this time.

The question as to which of the two was the one subsequently in use could only be settled definitely by the discovery of a patent or other document to which the Great Seal had been affixed between the years 1648 and 1652, so that the comparison with impressions of later date could be made. No such paper has yet been found. But whichever it was, Lord Baltimore's description of the seal of 1648 affords an adequate description of the one actually in use from this time on during the continuance of the Proprietary government.

On the obverse of this seal was the equestrian figure of the Lord Proprietary, symbolizing his personal authority. He was represented arrayed in complete armor, and bearing a drawn sword in his hand. The caparisons of the horse were adorned with the family coat-of-arms. On the

[OBVERSE.]

[REVERSE.]

THE GREAT SEAL OF MARYLAND:

UNDER THE PROPRIETARY GOVERNMENT OF THE LORDS BALTIMORE.

(DIAMETER 3¼ INCHES.)

ground below were represented some flowers and grass growing. The entire figure was admirably designed and full of life. On the circle surrounding this side of the seal was the inscription, *Caecilius Absolutus Dominus Terrae Mariae et Avaloniae Baro de Baltemore.*

On the other, or reverse, side of the seal was Lord Baltimore's hereditary coat-of-arms. The first and fourth quarters represented the arms of the Calvert family, described in heraldic language as paly of six pieces, or and sable, a bend counterchanged. The second and third quarters showed the arms of the Crossland family which Cecilius inherited from his grandmother, Alicia, daughter of John Crossland, Esquire, of Crossland, Yorkshire, and wife of Leonard Calvert, the father of George, first Lord Baltimore. This coat is quarterly, argent and gules, a cross bottony counterchanged. Above the shield was placed an earl's coronet; above that a helmet set full faced; and over that the Calvert crest, two pennons, the dexter or, the other sable, staves gules, issuing from a ducal coronet. The supporters upon this seal were a plowman and a fisherman, designated respectively by a spade and a fish held in the hand. The motto was that adopted by the Calvert family,—*Fatti maschi parole femine.* Behind and surrounding both shield and supporters was depicted an ermine-lined mantle; and on the circle about this side of

the seal were the words *Scuto bonae voluntatis tuae coronasti nos.* In them will be recognized a part of the last verse of the Fifth Psalm, as it appears in the Vulgate;[1] but it may reasonably be doubted whether the selection of this verse by Lord Baltimore was not due as much to his appreciation of the "good will" of his Royal Master, to which he owed his "coronet," as to his piety.

The arms thus described have become the historic Arms of Maryland. It is therefore of interest to consider them somewhat minutely. The meaning or significance of heraldic devices is generally difficult to trace. Derived, probably, in their simpler forms, from the usual methods of strengthening or adorning shields, they soon came to be availed of as a means of identification on the field of battle. It was therefore not unusual to select devices which would convey a suggestion of the bearer's name, or an allusion to some exploit by which he was distinguished. Heralds of a later date than the age of chivalry exercised their ingenuity in discovering or inventing interpretations for the various figures and "ordinaries" of heraldry. While the meanings ascribed to them by these writers were, many of them, purely fanciful, they were at the same time ingenious, and often graceful. But whether

[1] The rendering in the Authorized English Version is "With favor wilt thou compass him as with a shield." Marginal reading: "Crown him."

the interpretation assigned to a particular device or figure as its original meaning, be in itself warrantable or not, it is not to be assumed that the mere fact of bearing the device upon a coat-of-arms involves a reference to the exploit or quality which it may in other cases have been used to commemorate.

According to the commentators upon heraldry[1] the six vertical pieces (or pales), into which the Calvert shield is divided would represent palings or palisades, and constitute the heraldic symbol of a stockade or fortification, which would be appropriate to one who had fortified a town or successfully stormed a hostile fort. The diagonal band, or bend, was held to represent either a sword-belt or a scaling-ladder. Taken in connection with the pales the latter meaning would more naturally be ascribed to it.[2]

[1] The principal works to which reference has been made for the meaning ascribed to heraldic figures and the definition of terms are Guillim's Display of Heraldry and Edmondson's Complete Body of Heraldry.

[2] The Calvert family was of Flemish origin, and the arms above described are in fact of modern date. The writer is informed, though the courtesy of Stephen Tucker, Esq., of London, Somerset Herald, that they were assigned to Sir George Calvert (afterwards first Baron of Baltimore), by Sir Richard St. George, Knt., Norroy King of Arms, on November 30, 1622. Sir George Calvert was said to be descended from "a noble and ancient family of Flanders;"—but the arms of that family were described as "Or, three martlets sable." The colors alone of the Flemish arms were preserved in those borne in England. It has been suggested that the pales and bend of the Calvert arms represented the warp and woof of a woven fabric, or a loom traversed by a shuttle, in allusion to the Flemish industry of weaving. But

The Crossland arms present a cross upon a quarterly field. The relation between name and arms is sufficiently obvious. A quarterly field was said to represent a shield broken in battle, indicating that its bearer had proved himself valiant in fight. The cross was held in general to be the symbol of the Christian warrior, and especially appropriate to such as had been Crusaders. Particular significance was also attached to the various forms in which the cross was represented. The bottony or *budding* cross depicted upon these arms was said to represent the budding virtues of a youthful champion.[1] The Crossland arms are generally described as bearing a flory cross, the ends of which are open and expanded like the upper half of a fleur-de-lis. This form differs but little in appearance from the cross bottony, and was described as representing in their full *flower* and development those virtues which the latter indicated as being in their *bud* and promise.[2]

The combination of the Calvert and Crossland arms upon one shield presents an effect of special

this theory appears to be as difficult of substantiation as some of the less prosaic interpretations derived from the mediæval heralds. See remarks of Mr. Frank B. Mayer upon the Maryland Coat-of-Arms, in Baltimore *Sun*, June 17, 1882.

[1] Newton's Display of Heraldry, (London, 1846.)

[2] The date of the Crossland arms is not given. They were recognized as pertaining to the family (which is itself traced back to the time of Edward I.) in the Heralds' Visitation of 1663. The bottony cross was sometimes known as *trefflée* from the resemblance of its terminals to trefoils, and was hence regarded as conveying an allusion to the Holy Trinity.

symmetry. Each consists of a party-colored field, upon which is a single figure, with simply the colors of the field transposed or counterchanged. The parallel lines and acute angles of the one coat are offset by the rectangular arrangement and curves which appear in the other; while the sombre effect of the gold and black is contrasted by the brilliancy of the silver and red.

The pennons which form the crest are such as were commonly attached to spears and lances. They display the Calvert colors—gold and black. The ducal coronet above which they appear takes the place merely of the *torce* or twisted wreath upon which crests ordinarily are placed; but the substitution of a coronet in this place was regarded as an honorable distinction.

The earl's coronet by which the shield was surmounted was borne by the Lords Baltimore only in relation to their American Province, to which was accorded by royal charter the rank of a County Palatine.[1] The rank of a Count Palatine is held to

[1] Charter of Maryland. Patent Roll. 8 Charles I. Part 3. No. 2594. Archives of Maryland; Proceedings of the Council, 1636–1667, p. 4. The language of the charter is as follows: "Cum omnibus et singulis hujusmodi ac adeo amplis juribus jurisdiccionibus privilegiis Prerogativis regalitatibus libertatibus immunitatibus juribusque regalibus et Franchesiis quibuscunque temporalibus tam per mare quam per terram infra regionem Insulas Insululas et limites predictos Habendum exercendum utendum et gaudendum prout aliquis Episcopus Dunelmensis infra Episcopatum sive Comitatum Palatinum Dunelmensem in Regno nostro Anglie unquam antehac habuit tenuit usus vel gavisus fuit seu de jure habere tenere uti vel gaudere debuit aut potuit."

be equivalent to that of an Earl, and though the Norman title of Count or *Comes* did not supplant in England the Saxon designation Earl or *Eorl*, Countess became and is now the title of an Earl's wife. The coronet on the seal was represented as spanned by an arch and surmounted by a mound and cross, emblems of sovereign authority.

The position of the helmet, placed full faced, indicates the exercise of government, by an absolute jurisdiction, over a free state or country. The helmet of a count palatine would not be mistaken, even when thus placed, for a royal helmet, as the latter is represented in heraldry as of gold, and the former of steel.

In England, and in relation to his rank as an Irish Peer, Lord Baltimore could only bear the baron's coronet[1] and the helmet in profile. This position of the helmet indicates feudal allegiance, as though the bearer looked, not to the front in his own right, but toward his liege.

The supporters, a plowman and a fisherman, evidently represent colonists, and the allusion was no doubt intended to Maryland's resources in agri-

[1] Lord Baltimore described the coronet on the seal as a Count Palatine's *Cap*. According to Edmondson, the privilege of wearing coronets was not granted to Barons until the reign of Charles II. Originally the Barons were distinguished by a crimson cap turned up with white fur. (Edmondson's Complete Body of Heraldry, Vol. I, p. 198.) The same writer states that the right to wear coronets was accorded to Earls in the time of Henry III.

culture and fisheries. The supporters proper to Lord Baltimore's family arms were leopards, in whose tawny and spotted hides were repeated the tinctures of the Calvert shield.

The motto *Fatti maschi parole femine* is an ancient Italian proverb which early found its way into England. George Herbert in the *Jacula Prudentum* gives the rendering "Words are women, deeds are men." It is stated, on the authority of the distinguished Oriental scholar, Sir William Jones, that a similar saying is found in India, in the form "Words are the daughters of earth, deeds are the sons of heaven."[1]

The antithesis resulting from the genders of the Italian nouns is necessarily lost in translation. One or two English versions have been suggested which do some violence, perhaps, to the sense originally intended,[2] but possibly only to improve it. The most graceful, if not the most accurate of these is "Manly Deeds, Womanly Words." The alliterative expression "Courage and Courtesy"

[1] See Bartlett's "Familiar Quotations."

[2] The true significance of this proverb, as explained in the Italian Dictionaries, is simply that deeds are of more avail than words. This is expressed in the *Vocabolorio Italiano della Lingua Parlata* (*Rigutini e Fanfani*), by the following comment: "Come i maschi si reputano più operosi e forti delle femmine, così per dire che i fatti approdano più delle parole suol dirsi che *I fatti son maschi e le parole son femmine.*" The meaning of the proverb is remarked upon by Dr. Wm. Hand Browne in "Maryland: The History of a Palatinate," page 67, note.

has also been suggested, but this is a happy paraphrase and not a rendering of the original.

Such was the Great Seal of Maryland under the Proprietary government of the Lords Baltimore. From grants given under it the titles to most of the lands in Maryland are ultimately derived, and several families whose ancestors were among the early settlers, hold their estates to-day immediately under such a grant without a single other conveyance having intervened.

During the sway of the Royal Governors, from 1692 to 1715, while the jurisdiction of the Proprietaries was superseded by the Crown, other seals came into use. The first of these was frequently designated in the papers to which it was affixed as the *Broad* Seal of the Province. This seal was formally adopted by the Council at a meeting held at the City of St. Mary's, on the first day of October, 1692, Lionel Copley, Esq., being Governor. But this action was not taken without the direct sanction of royal authority; for, as the record[1] shows, "His Majesty's Warrant dated the 7th day of January, Anno Domini 1691–2 for making use of the new Broad Seal appointed for this Province" was first "produced and read." No description of this seal was entered on the minutes at this time, and no impression from it has been found. The royal warrant above quoted

[1] Proceedings of the Council, Liber K., 1692–1694, fol. 47.

has however been preserved in the Public Record Office in London, and it contains a full description of the seal.[1] Upon the obverse were the royal arms of England with this inscription upon the border: *Gulielmus III. et Maria II. Dei Gratia Mag. Brit. Fran. et Hiber. Rex et Regina Fidei Defensores.* On the reverse was the royal cypher, surmounted by a crown, and these words upon the circumference: *Sigillum Provinciae de Maryland in America.*

This seal continued in use until 1706, four years after the accession of Queen Anne to the throne of England, when it was returned to that country by the hands of Evan Evans, to be delivered by Col. Nathaniel Blakiston, agent for the Province, to the Lords of Trade and Plantations.[2]

The seal next in use appears to have been adopted with scant formality. Among the proceedings at a meeting of the Council, held September 22d, 1706, the following entry appears: "The Seals for Govern^{r} & Councill Provinciall Court & Twelve Countys were brought by Mr. Evan Thomas & well approved off, and Ordered that he be allowed forty shilling for each Seale to be paid by the publiq & recommended to the Comittee for allowance.

"Also Order that the $\overline{sd}$ Seals be used in y^{e} Councill Prov^{ll} & County Courts."

[1] See Appendix, Note B.

[2] Proceedings of the Council, Liber C. B., 1704–1708, fol. 56.

Then follows a record of the return of the previous seal to England, and a copy of the receipt given to the Governor, John Seymour, by Mr. Evans, when it was committed to his custody. In this receipt the seal is designated as "two pieces of silver plate," engraved in the manner already described, and formerly "used as the Great Seal of the Province."[1]

In less than a year after the accession of George I. the government of the Province was restored to the Proprietary. The title was then vested in Charles, fifth Baron of Baltimore, a minor, for whom Lord Guilford was guardian. The old seal now once more became the Great Seal of the Province. The first document to which it was affixed after this restoration was a proclamation issued by the Governor, John Hart, who having held office under the Crown was re-commissioned as Governor for the Proprietary. This proclamation, dated December 27th, 1715, and attested by "his Lordship's Great Seale" was issued to dissolve the General Assembly for the reason that having been called "by his Majesty's writs of election," it would not be proper for them to meet and enact laws in the Proprietary's name.[2]

The territorial rights of the Lords Baltimore had been respected during the period of royal interven-

[1] See Appendix, Note B.

[2] Proceedings of the Council, Liber C. B., 1714–1715.

tion in the government. They were still recognized as "lords of the soil," and made grants of lands to which the old seal was affixed. It was, however, designated in these grants merely as the Proprietary's "Greater Seal at Arms."[1]

In a law that was passed shortly after this time[2] providing for the punishment of counterfeiters of the official seals in use in the Province, the Great Seal is given both the designations by which it had then become known, being called in the title of the law "the Lord Proprietary's Greater Seal at Arms," but in the text, "the Great Seal of the Province."

There were several lesser seals in use under the Proprietary government, and impressions of some of them have been preserved. Among the Archives of Maryland there is a copy of laws enacted by the General Assembly between the years 1642 and 1678, which is attested by the signature of William Calvert, Secretary, and with the signature is affixed an oval seal,[3] about one inch and a quarter in length, containing the quarterly coat-of-arms as upon the Great Seal, but with the leopards, already referred to, as supporters. The count palatine's coronet does not appear on this seal.

[1] A seal affixed to some of the documents, commissions, &c., signed by the Proprietary himself in England was similarly designated.

[2] Acts of 1717, Chapter 8.

[3] Liber W. H. & L., Part W. H., fol. 182.

An impression of the same seal is affixed to a warrant for re-survey issued to the surveyor of Talbot County, in the name of Charles, Lord Baltimore, under date of October 16th, 1713.[1] This warrant is signed by Charles Carroll, and the seal is described in the instrument as "his Lordship's lesser seal at arms." It was apparently the one kept in the Province for the use of the Secretary.[2]

Papers executed in England under the Proprietary's own hand were frequently authenticated by a seal also described as the "lesser seal at arms." An impression of the one used by Frederick, Lord Baltimore, is attached to the commission of Hugh Hammersley as Secretary of the Province, dated November 4th, 1765.[1] This seal has upon it the quarterly coat and the count palatine's coronet. The supporters are a plowman and a fisherman as upon the Great Seal, but they are transposed, the fisherman being upon the right and the plowman on the left. The pennons which form the crest are also reversed, being made to flow toward the dexter side.[3] This seal is of nearly the same size as the one just described.

[1] Preserved in the Library of the Maryland Historical Society.

[2] This seal, which is made of silver, was among those recently discovered at Annapolis. See page 39.

[3] Pennons and flags when used in heraldry are usually made to flow toward the sinister, as though being borne to the right, the direction in which helmets when represented in profile are made to face. In the illustration of Lord Baltimore's arms printed in Guillim's Display of

In the Land Office at Annapolis there is an agreement, dated July 4th, 1760, between Frederick, Lord Baltimore, and Thomas and Richard Penn, sons and heirs of William Penn, touching the boundary between Maryland and Pennsylvania. Lord Baltimore's seal affixed to this agreement is evidently that which pertained to him as Baron of Baltimore. It is nearly square in form, with rounded corners, about one inch in size, and has upon it the Calvert arms only, with a baron's coronet and the leopards as supporters.

A wood-cut showing the arms as they appear upon this seal was printed upon the title page of the laws of Maryland, published between the years 1726 and 1765.

Upon all these small seals a lambrequin attached to the helmet is substituted for the mantle represented upon the Great Seal.[1]

On Sunday, November 3d, 1776, the Convention assembled at Annapolis to devise a form of government for what was now become the State of Maryland, adopted a Declaration of Rights; and on the Friday ensuing, November 8th, the Constitution

Heraldry the pennons are, however, drawn flowing in the opposite direction, as upon the seal above described.

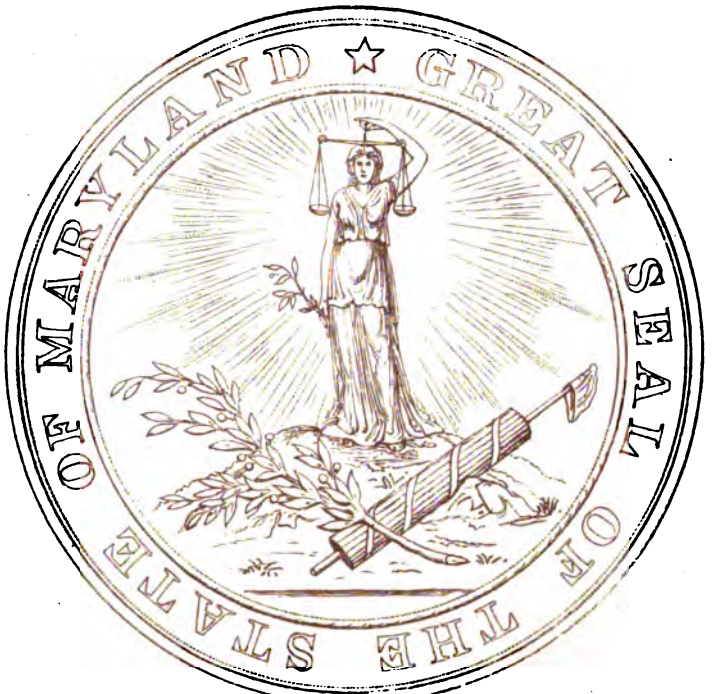
[1] Several of the older counties in Maryland formerly had seals copied from one or other of these smaller seals. Caroline County is the only one that has retained the ancient device. Upon the seal of the Circuit Court for that county still appear the Calvert arms with the supporting leopards.

and Form of Government were agreed to. By the thirty-sixth article of the Constitution the power to make the Great Seal of the State was vested in the Governor's Council, and at a meeting of the Council held March 31st, 1777, this authority was exercised by the adoption of an order recorded among their proceedings as follows:

"The Council being empowered by the Constitution and Form of Government to make the Great Seal of this State, do make and declare the Great Seal of Maryland, heretofore used, the Great Seal of this State, and as such to be used in future until a new one can be devised and executed, which cannot be done for immediate service."[1]

Under the authority of this order of the Council the seal of the Province was continued in use until the year 1794. In that year the Council adopted a new seal. It was made by Thackara & Vallance of Philadelphia, as is shown by an inscription on the back of the seal (which is preserved at Annapolis), as well as by an order of the Council adopted January 8th, 1794, directing the payment to them by the "Treasurer of the Western Shore" of "one hundred and twenty pounds current money" for the "metal and engraving." This seal, like its predecessor was affixed pendent to documents. Upon the obverse was a female figure representing Justice,

[1] Proceedings of the Council, 1777–1779.



[OBVERSE.]

[REVERSE.]

THE GREAT SEAL OF MARYLAND:

ADOPTED IN 1794.

(DIAMETER 3¼ INCHES.)

holding aloft the scales in her left hand, and in her right an olive branch. Rays of light emanated from behind and surrounded the figure. Below were the *fasces* and an olive branch crossed, and upon the border were graven the words "Great Seal of the State of Maryland." On the reverse side was depicted a tobacco hogshead standing upright, with bundles of leaf tobacco lying thereon. Two sheaves of wheat stood in the foreground, and in the background could be seen a ship approaching shore, with fore and main top-sails set, the other sails furled. At the base was a cornucopia. On the circle about this side were the words "Industry the Means and Plenty the Result."

This seal was formally adopted by the Council on February 5th, 1794, and a proclamation, publishing the fact of its adoption, was issued by the Governor. The following entry appears upon the record of the Council Proceedings of that date.[1]

"Whereas it is provided by the 36th Section of the Constitution and Form of Government that 'The Council shall have power to make the Great Seal of this State, which shall be kept by the Chancellor and affixed to all Laws, Commissions, Grants, and other Testimonials as has been heretofore practised in this State,' and Whereas under and in virtue of the said power the Board have lately caused to be

[1] Proceedings of the Council, 1794–1799.

made of silver a great Seal dependent, with certain devices, and with the words 'Great Seal of the State of Maryland' inscribed on one side thereof; and the words 'Industry the Means, and Plenty the Result' on the other, therefore, Ordered That the same be delivered to the Honourable the Chancellor as the Great Seal of this State; and that the same and none other be thereafter kept, used, taken and considered in all respects and to every intent and purpose as the Great Seal of the State of Maryland.

"Ordered, That the Chancellor be requested to deliver to His Excellency the Governor the old Great Seal of this State; and that the same be lodged and safely kept in the Treasury of the Western Shore."

"The following proclamation was issued:

"Whereas &c^{a} . . . as in the foregoing entry, to the end of the preamble; . . . . then as follows.

"And Whereas the Same hath been delivered to the Hon^{ble} the Chancellor to be kept and used as the Great Seal of this State, I have therefore thought proper to issue this my Proclamation, declaring the seal so as aforesaid made and delivered to the Chancellor, and none other, to be the Great Seal of the State of Maryland.

"Given at Annapolis &c^{a} &c^{a}

(Signed) "Tho^{s} S. Lee."

This seal continued in use only for twenty-three years. Its size, three and a half inches in diameter,

and its pendent form were probably deemed inconveniences; for it was superseded by a much smaller one, which was made, as have been the subsequent seals, to be used with a press and stamped in the papers to which it was affixed.

The order for the new seal is recorded by the following entry among the Council Proceedings under date of March 14th, 1817.[1]

"Ordered that the Great Seal of the State be altered and changed and that the Register in Chancery cause a new seal to be made of the diameter of one inch and a quarter, that the device on the same be the Coat of Arms of the United States surrounded with the words 'Seal of the State of Maryland' and that the same when completed shall be and is hereby declared to be the Seal of the State of Maryland."

The seal prepared under this order was engraved on steel. Its device was merely the American Eagle, as the order of Council required, with thirteen stars in a semicircle above, and surrounded by a border ornamented with thirteen points.

The formal adoption of this seal by the Council occurred on June 9th, 1817, and on the following day a proclamation publishing the fact was issued by the Governor, Charles Ridgely of Hampton. The mode of procedure at the adoption of the previous seal was carefully followed on this occasion.[2]

[1] Proceedings of the Council, 1813–1817.

[2] See Appendix, Note C.

This rather insignificant seal was used until 1854 when an attempt was made to restore the arms of the State to their place upon the Great Seal. To Governor E. Louis Lowe is due the suggestion from which ultimately resulted the restoration of the ancient arms.

The Council to the Governor, which formally had jurisdiction over the seal, had been abolished in 1837.[1] Governor Lowe therefore brought the subject to the attention of the General Assembly. In his message to the Legislature, at the session of 1854, he said: "The Great Seal is much worn by long use. I do not think that it is appropriate. It should in my judgment consist of the arms of the State, and not of a device which has no significant relation to its local history. I recommend that another be provided."

In accordance with this recommendation an act was passed by the Legislature[2] providing for the procuring of a new seal bearing "the arms of the State as heretofore known and accepted," and the motto *Crescite et Multiplicamini.* The act required that the new seal should be used on May 1st, 1854, on which day the old seal should be broken.[3] The intention of the Legislature in respect to the res-

[1] Acts of 1836, Chapter 197, § 13, passed March 10, 1837.

[2] See Appendix, Note D.

[3] The old seal, defaced as the law directed, was found in November, 1885, and is now preserved in the Land Office in Annapolis.

THE GREAT SEAL OF MARYLAND:

ADOPTED IN 1817.

(DIAMETER 1¼ INCH.)

THE GREAT SEAL OF MARYLAND:

ADOPTED IN 1854.

(DIAMETER 2¼ INCHES.)

toration of the arms of the State was not successfully carried out at this time. In the preparation of the seal recourse was evidently had to a rough wood-cut printed on the title page of Bacon's Laws of Maryland in 1765, and some errors which it contained were reproduced in the seal. For example, the Calvert arms were made paly of five pieces instead of six, and the portions of the cross in the second and third quarters of the shield which are properly red, were represented as black. These departures were not only errors in fact, but they were in violation of the ordinary rules of heraldic drawing and coloring. The errors did not end here. The coronet, helmet, and crest were correctly represented in the wood-cut; but in their stead a spread eagle was placed upon the seal. The story is told that the gentleman,—an officer of the State government at that time,—to whom was entrusted the task of preparing the new seal, deemed it imprudent to restore the coronet, lest the Whigs, then in opposition in the State, should use the circumstance upon the hustings, and by accusing the Democrats of an intention to restore aristocratic institutions, secure their defeat at the next election. He, therefore, of his own motion and for these prudential considerations, disregarded the directions of the act of the Assembly which required the restoration of the arms "as heretofore known," and substituted for the ancient crest the familiar figure of the American Eagle.

This seal was handsomely engraved on brass by Mr. Edward Stabler, of Montgomery County, Maryland. He was, however, in no wise responsible for the errors in the design.

The date at which the motto *Crescite et Multiplicamini*, placed upon this seal, first came into use in Maryland has not been ascertained. It appeared upon the Maryland coins[1] struck in 1659, during the administration of the first Proprietary and shortly after the sending of the *third* seal to the Province; it was upon the wood-cut in Bacon's Laws already referred to, published in 1765, and also upon the paper money issued by the State at the time of the Revolution, as well as upon other papers and publications. The first word of the motto brings to mind the circumstance, mentioned by Bozman,[2] that it was at first intended to call the Province *Crescentia*, but when the charter was presented to the King, Charles I., for his signature, the name was, at his suggestion, changed to Maryland in honor of the Queen, Henrietta Maria. The possibility suggests itself that this motto may have been in use during the earliest days of the colony.

At the session of the Legislature held in 1874, attention having been by that time attracted to the

[1] A few specimens of these coins, which are very rare, are preserved in the collection of the Maryland Historical Society.

[2] Bozman's History of Maryland, Vol. I, p. 271.

errors in the existing Great Seal,[1] a joint resolution was adopted directing its correction;[2] but in this resolution reference was made to the wood-cut in Bacon's Laws as the model to which the corrected seal should conform. When it was recognized that the copying of that wood-cut would result in reproducing some of the errors which it was intended to correct, the Governor, James Black Groome, concluded to take no action under the resolution, and brought the matter to the notice of the Legislature in his message at its next session, in 1876. A carefully prepared resolution was then adopted[3] in which was embodied a full description of the arms intended to be restored, so as to guard against the possibility of errors in the future. The restoration of the Italian motto and the legend upon the circle was also directed. In the preparation of this resolution Lord Baltimore's letter of commission for the seal of 1648, and old impressions of the seal itself, were taken as the guides to be followed, and the

[1] The errors in the seal, and the true description of the Arms of Maryland were pointed out in a communication from the writer of this paper which was read before the Maryland Historical Society at its meeting in May, 1871. A remarkably correct drawing of the Provincial Seal was made in 1876 by Miss Davis, daughter of Hon. Allen Bowie Davis of Montgomery County, from indications afforded by old and imperfect impressions. This drawing was engraved and published in 1880.

[2] See Appendix, Note E.

[3] This resolution was adopted chiefly through the efforts of Dr. Lewis H. Steiner, at that time Senator from Frederick County. See Appendix, Note E.

arms upon that seal were distinctly designated as the Arms of Maryland.

It was not until 1880 that the succeeding Governor, John Lee Carroll, reported to the Legislature that the new seal was completed and had "been in use for the last year." From a note addressed by Richard C. Hollyday, Esq., Secretary of State, to the Maryland Historical Society, presenting to the Society the first impression of the new seal, it appears that it was first used February 27th, 1879.

This seal was engraved upon brass, and executed in Paris, under the order of Governor Carroll. It was not attempted, in preparing the new design, to reproduce the style of the old seal; but the directions contained in the resolution were departed from only in the introduction, not inappropriate in itself, of the figures "1632" (the year in which the Charter of Maryland was signed), at the base of the circle.[1] On the new seal the pennons forming the crest are represented flowing toward the dexter side, as upon the lesser seal used by Frederick, Lord Baltimore.[2] There is no inscription upon this seal to indicate that it is the Great Seal of the State, none having been prescribed in the resolution under which it was prepared.

By the adoption of this seal in 1876 the ancient Arms of Maryland were finally restored in their

[1] The drawing for this seal was made by R. G. Harper Pennington, Esq.

[2] See page 28 (note 3).

THE GREAT SEAL OF MARYLAND:

AS RESTORED IN ACCORDANCE WITH RESOLUTION OF THE GENERAL ASSEMBLY ADOPTED IN 1876.

(DIAMETER 3 INCHES.)

integrity to the Great Seal of the State. The equestrian figure upon the obverse of the old seal, which symbolized the personal authority of the Proprietary, ceased to be appropriate after the downfall of the Proprietary government. But the arms upon the reverse side, which had become identified with the Province, and did not change either in form or significance with changing administrations, are retained as the symbol of the State.

In July, 1884, a search was made for historic relics in the vault of the Treasury Building at Annapolis. The search was rewarded by the discovery of several old seals, and among them the Great Seal of the Province.[1]

This seal differs from the description of that sent out by Cecilius Lord Baltimore, only in that the name of CAROLVS appears on the obverse in place of CÆCILIVS. Cecilius was succeeded in the title by his son Charles, third Baron, in 1675. Benedict Leonard, fourth Baron, held the title but a few weeks in 1715, when it passed, upon his death, to his son Charles, fifth Baron, who lived until 1751. So that for three quarters of a century, with but a single brief interruption, Charles was the name of the Proprietary of Maryland. At

[1] The search referred to was undertaken at the instance of J. Thomas Scharf, Esq., Commissioner of the Land Office. Besides the seal mentioned above, there were found the Great Seal adopted in 1794, and the lesser seal mentioned on page 28 (note 2).

some time during this period the name *Carolus* was placed upon the seal, but no record of the date has been found. As the name occurs only on the obverse, this change necessitated the alteration or renewal of one side of the seal only; and it appears upon examination that the change was effected by an alteration merely of the existing seal. The inscription on the obverse is sharp and distinct throughout, while that on the reverse is much worn, and in some places nearly worn away, as though it had been much longer in service. A careful comparison shows, too, that the letters on the two circles are slightly different in form, and that the plane surfaces of the circles have been finished differently, as though done at different times. These points of dissimilarity indicate that the inscription with the name of *Carolus* is of later date than the rest of the work. This theory is confirmed by a slight depression along the circle on the obverse as though the metal had been cut away. There seems, therefore, to be no reason to doubt that the old seal recently brought to light at Annapolis is one that was sent out by Cecilius, the first Proprietary.

Though worn by long service, and battered and scarred by careless handling, the designs on both sides of the seal are still clear and distinct and show the artistic handiwork of a skilled workman. One or two matters of detail not mentioned in

Lord Baltimore's description, and which the old impressions do not reveal are to be noted. Where the folds of the mantle surrounding the arms show the outside surface, the edges of the coat-of-arms itself appear, as though it were broidered upon the exterior of the mantle. It is also to be observed that a count palatine's coronet, surmounted by mound and cross, encircles the helmet upon the head of the equestrian figure upon the obverse of the seal.[1]

The discovery of this interesting relic of a past era completes as it were a cycle in the history of Maryland's Seal, and the opportunity is afforded to test, by comparison, the accuracy with which the restoration was effected in 1876. The differences between the representations of the arms of Maryland as depicted on the new seal and on the old are found to be only such as result from the different styles of drawing and engraving. In all that is essential the arms are identical. The seal adopted in 1876 is a practical reproduction, though not a fac-simile, of the reverse side of the ancient seal.

[1] An earl's coronet is described as surrounded by eight pearls raised upon as many points. It is now customary with designers and engravers to draw these coronets uniformly with five points showing. When the Maryland Seal was engraved such careful accuracy was not observed. The coronet over the shield on the reverse side shows six points, while that upon the head of the equestrian figure on the obverse shows but four. The coronets are, however, identical in form.

The criticism may perhaps be made upon the seal as now used, that a Republic has no right to display the coronet proper to a County Palatine. But to this it may be answered that it is not borne as a symbol of authority or rank in the present, but in commemoration of a past and of a history which now extends over two centuries and a half.

Taken by itself the history of the Great Seal is but a barren narrative, almost wholly comprised in a few brief public documents,—a letter of commission, an order of the Council, an act of the Assembly; but it is to be noted that the changes which are thus recorded are incident to and directly linked with the most important political events that have marked the history of the Commonwealth. From the time of the founding of the colony at St. Mary's under the Proprietary government, every event that has disturbed the established order,—whether it were the lawless outbreak of an insurgent, the intervention of Commissioners appointed by Parliament, or of Governors appointed by the Crown, or the final struggle which resulted in the establishment of American independence,—was accompanied and reflected by some corresponding change or incident relating to the Great Seal, and an explanation of the latter

necessarily involves a reference to the former. By the final restoration of the ancient device in our own times, it is proclaimed, that whatever the changes by which its political constitution has been affected, the identity of the Commonwealth has never been destroyed and its continuity remains unbroken.

APPENDIX.

Note A. (*page* 12).

Commission for the Great Seal.

[*Archives of Maryland: Proceedings of the Council*, 1636–1667, pp. 214, 215.]

Cecilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c[a] to our trusty and well Beloved Lieu[t] and Council of our said Province of Maryland to all the Inhabitants of the same and all others whom it may Concern Greeting whereas our Great Seal of the said Province of Maryland was Treacherously and Violently taken away from thence by Richard Ingle or his Complices in or about february Anno Domini One thousand six hundred and fourty & four and hath been ever since so disposed of as it cannot be recovered again for us we do therefore hereby protest against all and every act and things whatsoever which hath been Sealed therewith since the fourteenth of Feb[y] Anno Domini One thousand six hundred fourty and four or which shall at any time hereafter be Sealed therewith as unlawful and not done by any Legal Authority from us and we do hereby declare all and every the said Acts and things unlawful and Null but because it is necessary for the better Government of our said Province and Satisfaction of the People there to have a Seal of ours Constantly remaining in the said Province and appropriated thereunto and known to be our Great Seal of the same whereby divers publick Acts and Grants of Lands within the said Province may be rati-

fied and Confirmed according to such directions Instructions Commissions or warrants as we have or shall from time to time give under our hand and seal at Arms for that purpose therefore we have provided another new Seal for our said Province in the Room and Place of the other which was so taken away from thence as aforesaid which new Seal we have Committed to the Custody of Captain William Stone whom we have Constituted as well our Chancellor and Keeper of the same as our Lieutenant of the said Province till we or our heirs shall signify our Pleasure to the Contrary the manner & form of the s^{d} new Seal being this (viz^{t}) on the one side thereof is ingraven our Figure in Compleat Armour on Horse Back with our Sword drawn and our Helmett on and a Great Plume of Feathers affixed to it the Horsetrappings furniture and Caparisons being adorn'd with the figure of our Paternal Coat of Arms and underneath the Horse a Sea Shoar engraven with Certain Flowers and Grass Growing upon it and this Inscription about that Side of the Seal (viz^{t}) Cecilius Absolutus Dmūs Terrae Mariae et Avaloniae Baro de Baltimore and on the other or Counterside of the said Seal is engraven a Scutcheon wherein our Paternal Coat of Arms to wit six pieces impaled with a Bend dexter Counterchanged quartered with another Coat of Arms belonging to our Family viz^{t} a Cross Buttoned at each end (and also counterchanged) are engraven the whole Scutcheon being Supported with a Fisherman on the one Side and a Plowman on the other standing upon a Scrowl wherein is engraven the motto of our Paternal Court of Arms viz^{t} ffatti Maschij Parole Femine next above the Scutcheon is engraven a Count Palatines Cap and over that a Helmet with the Crest of our Paternal Court of Arms on the Top of it which Crest is a Ducal Crown with two half Bannerets set upright in it Behind the said Scutcheon and Supporters is engraven a large mantle and this inscription is about that side of the Seal viz^{t} Scuto bonæ Voluntatis tuæ Coronasti nos the figure of the Seal is round and it is of the same Bigness that our said former Great Seal was and

cut in Silver as the other was the impression of all which in wax is hereunto affixed it being somewhat different (though but little) from our said former Great Seal of the Said Province and we do hereby declare the said new Seal to be from henceforwards our Great Seal of the said Province of Maryland and that we will have it so to be esteeemed and reputed there till we or our heirs shall signify our or their Pleasure to the Contrary Given at Bath under our hand and our said new Great Seal of the Said Province the 12th day of August in the 17th Year of our Dominion over the said Prov^{e} of Maryland Annoq Dni 1648.

Note B. (*pages* 25, 26).

The following copy of the royal warrant for the adoption of the seal of 1692, was obtained from Mr. W. Noel Sainsbury, of the Public Record Office, London. Mr. Sainsbury writes that though diligent search was made through many volumes of records and correspondence concerning Maryland no impression of the seal described in the warrant could be found.

THE KING'S WARRANT

TO GOV^{R} COPLEY

to use the Maryland Seal

7 January 169$^{1}/_{2}$

P. R. O. Maryland B. T. Vol. 8. p. 39.

To Our Trusty an Wellbeloved Lionel Copley Esq^{r} Our Captain Generall and Governor in Chief in and over Our Province and Territory of Maryland in America. You will herewith receive a seal, w^{ch} we have thought fit to appoint for the use of Our Province of Maryland, the same being Engraven on the one side with Our Royall Arms, with y^{e} Garter, Crowne, Supporters and Motto, and this Inscription round the Cir-

Warrant for y^{e} Maryland Seale

cumference, Gulielmus 3d et Maria 2d Dej Gratia Mag: Brit: Fran: et Hiber: Rex et Regina Fidei Defensoris &c^{a}. There being on the other side Our Royall Cypher crowned and this Inscription round the Circumference Sigillum Provincie de Maryland in America; which Seal we do hereby Authorize and Direct to be used in Sealing all Patents and Grants, and all publick Acts and Instruments which shall be made and passed in Our Name for Our Service within Our said Province, And that it be to all Intents and purposes of the same force & Validity as any former Seal within Our Said Province, or as any other Seal Whatsoever appointed for the use of any of Our Plantations in America is or hath been. And so we bid you ffarewell. From Our Court at Whitehall the Seaventh day of January 1691, In the Third Year of Our Reign.

By His Ma^{ty} Command.
NOTTINGHAM.

The receipt given by Mr. Evan Evans for this seal when it was returned to England, is recorded as follows in the Archives of Maryland. (Liber C. B. 1704–1708, fol. 56.)

"Maryland Towne & Port^{t} of Annapolis Ss } Memorandum that this Day to witt the 14th day of August 1706 I received of his Excellency John Seymour Esq^{r} Cap^{t} Generale and Govern^{r} in Cheif of this Province two peices of Silver Plate The one Cutt or engraved with the Arms of England & his late Majesty the other with a Cypher W^{m} & Mary Rex & Reginia heretofore used as the Great Seale of this Province which I Do promise upon my Safe arrivall in England (God willing) to Deliver to Coll Nathaniell Blakiston agent for the Province of Maryland in order to Carry to their Lordshipps the Lords of Trade & Plantations & to take Coll. Blakiston's Receipt therefore.

"EVAN EVANS."

Note C. (*page* 33).

The adoption of the Seal of 1817 is recorded as follows among the Proceedings of the Council (Liber 1813–1817) under date of June 9th, 1817.

" Whereas it is provided by the 36th section of the Constitution and Form of Government that the Council have power to make the Great Seal of this state which shall be kept by the Chancellor and affixed to all Laws Commissions Grants and other Testimonials as has been heretofore practised in this State and whereas under and in virtue of the said power The Board have lately caused to be made of steel a Great Seal with certain devices and with the words Seal of the State of Maryland to be inscribed thereon and that the same and none other thereafter be kept taken and considered in all respects and to every intent purpose as the Great Seal of the State of Maryland Ordered that the Chancellor be requested to deliver to his Excellency the Governor the Old Great Seal of this State, and that the same be lodged and safely kept in the Treasury of the Western Shore. The following Proclamation issued.

" By His Excellency Charles Ridgely of Hampton Esquire Governor of Maryland

" A Proclamation

" Whereas it is provided by the 36th section of the Constitution and form of Government, that 'the Council shall have power to make the Great Seal of this State which shall be kept by the Chancellor, and affixed to laws commissions grants and other testimonials as has been heretofore practised in this State' and whereas under and in virtue of the said power, the Board have lately caused to be made of steel a Seal with certain devices and with the words 'Seal of the State of Maryland inscribed thereon. And whereas the same has been delivered to the honourable the Chancellor, to be kept and used as the Great Seal of this State, I have therefore thought proper to issue this my Proclamation

declaring the seal so as aforesaid made and delivered to the Chancellor and none other, to be the Great Seal of the State of Maryland. Given under my hand, and the Seal of the State of Maryland this tenth day of June in the year of our Lord one thousand eight hundred and seventeen.

"By His Excellency's Command "C. RIDGELY of Hampton"
NINIAN PINKNEY
Clerk of the Council"

"Ordered that the foregoing Proclamation be published eight times in the Maryland Gazette Federal Gazette, Federal Republican and Telegraph, The Frederick Town Herald, The Torch light, The Allegany Federalist and the Monitor at Easton."

Note D. (*page* 34).

[ACTS OF THE GENERAL ASSEMBLY—1854.]

Chapter 81.

AN ACT to provide for a new Great Seal for this State.

Section 1. *Be it enacted by the General Assembly of Maryland,* That the Governor be and he is hereby authorized and required to procure a new great seal for this State, the cost of which shall be paid on a Certificate of the Governor by the treasurer, on a warrant from the comptroller.

Sec. 2. *And be it enacted,* That the seal to be procured shall contain on its face the arms of the State, as heretofore known and accepted, with the motto, in small letters, "Crescite et multiplicamini"; on the upper part of the circle there shall be the words "The Great Seal" and at the bottom, in two horizontal lines, the words, "of Maryland"; the words, "The Great Seal" and "Maryland," to be in large letters; on the left side of the circle, near the bottom, shall be the figures, "1632," and on the right side the figures, "1854"; the diameter of the seal shall be two inches and a quarter.

Sec. 3. *And be it enacted*, That the new seal shall be used on and after the first day of May next, on which day the Governor shall cause the present seal to be broken.

Sec. 4. *And be it enacted*, That this act shall take effect on its passage.

(*Passed March* 1, 1854).

Note E. (*page* 37).

The Resolutions adopted by the General Assembly providing for the correction of the Great Seal are as follows:

[JOINT RESOLUTIONS—1874.]

No. 9.

SENATE JOINT RESOLUTION

In relation to the Great Seal of the State.

WHEREAS, certain errors have been made in altering the Great Seal of the State of Maryland;

therefore,

Be it resolved by the General Assembly of Maryland, That the Governor of the State is hereby authorized to have the Great Seal of the State so altered as to make it conform to the arms of Lord Baltimore, as represented on the title page of Bacon's Laws of Maryland, printed seventeen hundred and sixty-five, in Annapolis, by Jonas Green.

[JOINT RESOLUTIONS—1876.]

No. 5.

In relation to the Great Seal.

WHEREAS, Senate Joint Resolution, No. nine, "In relation to the Great Seal of the State," passed by the General Assembly, at its session in eighteen hundred and seventy-four, instructing the

Governor to have the Great Seal of the State so altered that it should conform to the arms of Lord Baltimore as represented on the title page of Bacon's Laws of Maryland, printed in seventeen hundred and sixty-five, by Jonas Green, was passed under the impression that the said representation was accurate; and

WHEREAS, Investigation has shown that said representation of the arms of Lord Baltimore is imperfect; and

WHEREAS, a complete and accurate description of the Seal of the Province is to be found in the commission of Cecilius, Lord Baron of Baltimore, that accompanied the said seal when sent to the Province in sixteen hundred and forty-eight;

therefore,

1. *Be it resolved by the General Assembly of Maryland*, That Senate Joint Resolution, No. nine, "In relation to the Great Seal of the State," passed by the General Assembly, at its session in eighteen hundred and seventy-four be, and the same is hereby rescinded.

2. *And be it further resolved*, That the Governor of the State is hereby authorized and empowered to have the Great Seal of the State altered so that it shall bear the arms of Maryland as represented upon the seal furnished the Province in sixteen hundred and forty-eight, by Cecilius, Lord Baron of Baltimore; which arms are described as follows, namely: Quarterly, first and fourth, paly of six or and sable, a bend counterchanged; second and third, quarterly argent and gules, a cross bottony counterchanged; Crest (which is placed upon a helmet, showing five bars, over a Count-palatine's coronet) on a ducal coronet proper, two pennons, dexter or, the other sable; staves gules; motto "Fatti maschii, parole femine"; supporters, a plowman and a fisherman proper; a mantle doubled with ermine, surrounding the arms and supporters. Upon a border encircling the seal, shall be engraven this legend, "Scuto bonæ voluntatis tuæ coronasti nos." The diameter of the seal shall be three inches.

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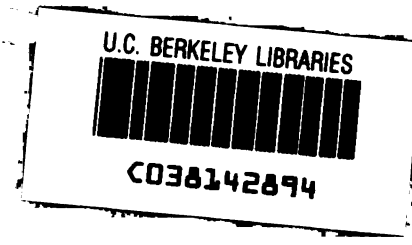
LD 9–20m-4,'55 (B120Js)..1